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*Madras Revenue Register*

THE

# REVENUE REGISTER.

No. 1.] MADRAS :—SATURDAY, JANUARY 15, 1876. [VOL. X.

## ANNUAL REPORT OF THE GOVERNMENT FARMS, 1873-74.

IN our impression of November last year we offered a few observations on Mr. Robertson's Report on the condition and working of the Government Farms during the official year ending with the 31st March 1874, and we promised to notice on some future occasion that portion of the report which dealt with the Experimental and Model Farms and the Workshop. We propose now to fulfil this promise. The chief feature of the Experimental Farm would appear to be the breeding of cattle; but there does not seem to be at present any fitting ground attached to the farm for the purpose of giving full effect to the object in view, which we certainly think should not be neglected in the accomplishment of the benevolent scheme which the Government have in hand. In all great undertakings they must be the pioneers. The circumstances of this country are so peculiar that, for its development and prosperity, the State must enter into fields which would be quite out of place among advanced nations. Years must go by yet before it will be proper for the State to withdraw from undertakings necessary for the good of the country, in order not to interfere with pri-

vate enterprize. There can be no question that it will be an inestimable benefit to the people to replace their wretched cattle with a compact and hardy breed suited to the character of the climate and soil; and it seems to us, therefore, that the proper course is being taken in looking to Arabia for sources of improvement, instead of to the larger but scarcely suitable fields of supply in Europe. We do not know if the neighbourhood of Madras itself is the best fitted for breeding cattle; but it is worthy of trial, especially as the experiment will be in immediate connection with the Experimental Farm itself, and under the direct supervision of the experienced officers who live on the spot and conduct its operations. The report before us states that there is now available a large piece of land, measuring about 300 acres, which is only separated from the Experimental Farm by the Adyar river. It may be that when the river is in flood—but how rarely will that be?—the intercourse between the two farms may to a certain extent be interrupted. But how easy is it to build a bridge at Sydapet; and as the writer of the report justly remarks, the inconvenience would be trifling in comparison with the advantages that the proximity of the river confers on the site. The land, it is said, is not exactly of the quality that might be selected for a grazing farm; but at the

same time, we are told that it is capable of great improvement, which might be effected at a cost sufficiently moderate to justify the expenditure. When we know that twenty years ago the present People's Park of Madras, situated on the banks of the town ditch, was nothing but a salt marsh of about 100 acres in extent, why should we despair of seeing 300 acres of tolerably good land on the banks of a fresh water stream like the Adyar, covered with green grass and fodder crops fit for the sustenance and nourishment of herds of cattle that may roam at their pleasure over the miniature prairie? The site besides is quite open, and in the neighbourhood of that highly salubrious seat, Guindy Park. We believe the piece of ground pointed out by Mr. Robertson will be found to be admirably adapted for the purpose; and we trust that the Government will be induced by the good reasons he has assigned to sanction the proposal. This proposal is to begin by buying up the best calves born in Madras, of which there are a great number every year. These calves are now turned to no useful account, because the proprietors of the cows only care to get as much good milk as they can; and it appears that, in many instances, these cows are good specimens from the best districts, while others, having been imported from Australia, produce calves that are well worth attention. Mr. Robertson most judiciously remarks that, after the undertaking has thus been inexpensively organized, attempts could then be made to establish a herd suited to the requirements of the country. And as we have before pointed out, Arabia is the field to which we can best look for the improvement so much needed in the cattle of our southern districts. The animals selected for importation for the purposes of effecting improvement in the indigenous breeds are what are known

as Aden cattle. But Aden, however, is not the place where the cattle are bred, but only the port at which they are shipped. The cattle themselves are bred in the interior of Arabia, and like the horses from the plains and deserts of Arabia, the oxen and sheep of our Ishmaelitish brethren would be admirably suited to the sunny plains of India. As to their bulls and cows, we have heard it said that the Arabs have a pedigree for their animals of this order of creation, just as they have for their best born steeds. The so-called Aden cattle have a high reputation as dairy animals, and from their small size and compact form, are just the sort of stock with which to conduct the earlier experiments of improving the small cattle chiefly found in the southern districts of Madras. It is an obvious mistake, as pointed out by Mr. Robertson, to use the immense bull of Nellore for breeding with the small cow of Madras; and although he does not mention it, we think that under such conditions the cow must be physically unequal to the burden of parturition. This is patent when we are told that a Nellore live bull weighs from 900 to 1,000 lbs., while the average size of a live Madras cow is from 200 to 300 lbs. only. Although a rather small-sized and compact description of cattle would appear to be best suited for the wants of our southern districts, it is nevertheless desirable to increase the size and working capacities of the existing breeds. At present the principle appears to be to starve down, in order to accommodate man and beast to the deteriorating condition of things. This is so aptly put by Mr. Robertson, that we must do him the justice of quoting his own language. "Native cattle," he writes, "like native laborers, can adapt themselves readily to the bad conditions with which they have so frequently to contend. A cooly, while work is abundan

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and food cheap, takes his three meals per day : as the work becomes less abundant, or food dearer, he reduces his allowance to two meals per day, and he will manage to exist even on one meal per day when out of employment or food is very dear. The starving process is gradual : the people become accustomed to it. It is the same with cattle : they can be starved down to, and kept alive for a time on, a daily allowance of food that would represent only a tithe of the quantity they could consume when in full health. This is the ordinary process to which they are subjected every hot season at the hands of their owners. But while it is possible to reduce gradually the daily food of a bullock until, in amount, it would not be one-tenth of the allowance that should be given, it is not so easy again to increase, without injury, the daily allowance of food to the quantity necessary to support the animal in health ; hence the enormous losses that are experienced in this country amongst live stock when, after a long drought, a sudden fall of rain produces a luxuriant and plentiful growth of grass. Few cattle die from starvation ; the deaths, in most cases, are the result of the sudden supply of succulent food in abundance, greedily eaten by animals whose constitutions have been weakened by a long and gradual starving process." How sad, but we fear how too true, a picture this is. How can any country substantially thrive under such a condition of things ? We must improve our cattle ; but as Mr. Robertson forcibly points out, this improvement means "more strength, deeper cultivation, better crops."

Sheep breeding, however, stands already on a tolerably good basis, and the experiment continues to progress satisfactorily. The wool is beginning to grow finer and in greater curls ; and although this hot climate is not altogether suited to the pro-

duction of fine wool, still it has this advantage, it is said, over cold countries ; and that is, we can grow crops here throughout the year, which they cannot do there—an advantage considered to be most important in wool growing, because when sheep are alternately starved and over-fed, the wool is irregular in strength and quality.

The breeding of pigs has been a decided success ; and Mr. Robertson thinks that if pigs receive proper attention, there is no more useful agricultural stock in this country. Of course, he does not refer to the pigs kept by natives, which are merely the scavengers of the village, but to pigs properly housed and fed, which are as cleanly in their habits as cattle and sheep under similar conditions. The great advantage of rearing pigs, he says, is that they will readily supply the wants of European households on coffee estates, and other places, where it is almost impossible to get butcher's meat fit to eat, especially as pigs can be reared under conditions quite unsuited for sheep breeding, and as, under artificial feeding, a pound of pork can always be produced at a cost very much lower than a pound of mutton.

The cotton produced by the Government Farm is far from fit to compete in quality with the New Orleans, but still there has been considerable improvement in the staple, and there are good hopes of ultimate success so far as to prove that a good description of cotton can be raised in this country at remunerative prices to the grower. The Experimental Farm has, besides, grown with success paddy of different descriptions, maize, grasses, and vegetable field crops, the returns showing that an improved system of agriculture not only produces quantity and quality, but yields a fair surplus over expenditure.

We have but little to notice in respect of the working of the Model Farm. It

appears to have been working under difficulties, being saddled with charges which Mr. Robertson now sees ought never to have been tacked on against it. As far as we can understand this portion of the report, the Model Farm consists of a piece of land of about 115 acres in extent in the neighbourhood, which was originally in the hands of under-tenants. These tenants had five years' leases; but the land being in an unsatisfactory condition, covered in part with trees, broken up in part, and generally worn out, and the renters being altogether untrained and men of but very small means, they were allowed to relinquish their holdings, and the land was taken under Government management. Up to the date of the report about Rupees 2,300 had been spent on the Model Farm, chiefly apparently in the work of reclamation; but it is estimated that Rupees 5,000 will have to be spent in this work before the whole of the land can be brought into good cultivable condition. Besides paying full rent, the Farm is debited with a charge of 7½ per cent upon every rupee spent in reclamation and improvement. Mr. Robertson was anxious in starting this Model Farm, that it should be debited with every charge that could in reason be placed against it; but he now finds that he went too far, and has consequently burdened the farm with charges which should not have been debited against it. At the same time, while the farm has been struggling with difficulties and showing an unsatisfactory balance sheet, the value of the property itself has been gradually increasing. In short, as Mr. Robertson puts it, "the tenant has been sacrificed for the good of the landlord." We find that from the latter end of 1870 up to 31st March 1874, a total sum of Rupees 16,896 was spent on the farm in cooly labor, manure, live stock, fodder, seed, implements, overseer's salary

and rent, including Rupees 619-8-4 interest on capital employed in working the farm, and Rupees 1,046-11-3 interest on capital expended on improvements of a permanent character. As a set-off against this, the farm actually produced in the same period Rupees 9,514 in returns from cattle, sheep, pigs, poultry, rabbits, fruit, vegetables, hay and fodder, grains, indigo, cotton, and sundries; but adding Rupees 5,707-12-10, the net valuation of the assets on the 31st March 1874, the credit side of the farm rises to Rupees 15,222, or about Rupees 1,674 less than the total expenditure. But we may take it, the rough work is now all over, the heavy expenditure is at an end, and future returns will show a decided advantage on the credit side of the farm. After all, the moral of the lesson, as pointed out by Mr. Robertson, is really "*the cost of reclaiming and restoring land that has been exhausted under native farming, rather than the commercial results that can be secured by adopting a better system of agriculture;*" for he says that to open a farm on virgin land and bring it into cultivation is widely different.

The Workshops supply implements such as carts, ploughs, harrows, knives, water-lifts, and tools of all sorts. The report shows that during the year, for implements, machines, &c., sold, and for labor and materials supplied by the Workshops, the factory received Rupees 2,363-1-8, the expenditure being Rupees 2,149-7-3. The Workshops are supervised by two Special Assistant Superintendents. One is a German, and the other is an Englishman. The German is Mr. Kaspar Schiffmayer, from the High School of Agriculture in Bavaria; and the Englishman is Mr. Charles Benson, a graduate of the Royal Agricultural College of England.

There is a Library attached to the Government Farms for the use of the ap-

prentices, and the return shows that it received a most valuable addition of scientific books and journals during the course of the year, such as works on chemistry, geology, mineralogy, heat, comparative physiology, drainage, &c., besides works on farming, agriculture, and animal breeding. Altogether the report gives a most hopeful account of the institution established by Government and worked by Government agency.

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#### THE INDIAN AGRICULTURIST.

It affords us great pleasure to announce that we have received a copy of the first number of the *Indian Agriculturist*, edited by Mr. Robert Knight of Calcutta. We much regretted the discontinuance of the *Indian Economist*, whose pages were so full of interesting and statistical information in respect to the various resources and capabilities of our Indian Empire; and we therefore cordially welcome the *Indian Agriculturist*, which, devoted as it will be to the best interests of a country so almost entirely agricultural as India is, will be a most useful and valuable substitute for the *Indian Economist*. We beg to draw the attention of our readers to the journal; and elsewhere we extract the brief notice with which Mr. Knight introduces his periodical.

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#### THE REGISTRATION MANUAL.

We are much obliged to Mr. F. J. Dawes, Sub-Magistrate and Sub-Registrar on the Shevaroy Hills, for the copy of his Registration Manual which he has kindly sent us. Nothing like it has been compiled before. It is calculated to be of the greatest use to the Officers of the Department, because we are told that the various circulars and orders issued from time to time for the working of the Registration Act, are so scattered over the records of each office, that it is extremely difficult to get at them for the bare purpose of ascertaining the Rules of the Department, or of extracting any information required for an object. The handbook will be still more acceptable to those of the general public who may have occasion to seek the boon of registration. The public are at still greater disadvantage than the Registering officers, as they have not access to scattered documents even, however prepared they may be for a laborious search. The Manual consists of the Registration Act, with extracts from

the reported cases of the High Court and the various rulings and orders of the head of the department distributed as foot-notes under the sections to which they relate; and in an Appendix much useful matter is furnished in the shape of Forms, Tables of Fees, Powers of Attorney, &c. The book is published by Messrs. Higginbotham & Co., and is most moderately priced to be within the reach of all. Mr. Dawes evinces great industry and research, for we have before us the prospectus of a Revenue Code he has now in hand, which is likely to be very complete from the scope he has assigned to the contemplated work. We do not know whether the work is to be published at Bangalore; but we are sorry to find that Mr. Dawes intends to price his Code at the rather high figure of 9 Rupees per copy. Orders, we are told, are to be registered by the Manager of the Caxton Press at Bangalore.

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#### CORRESPONDENCE.

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#### LONDON LIFE.

[FROM OUR SPECIAL CORRESPONDENT.]

SIR,

The British Lion is once more awake. The noble animal has wagged his tail; indeed, it would not be too much to assert that he is alive and kicking; and no doubt, in sympathy, the horu of the Unicorn is exalted. After the lamentable indifference to our political status on the continent which has for the last seven or eight years been displayed by the administrators of the empire, it is refreshing to come across a little political pluck. The ignominious rôle assumed by Great Britain in the great war of 1870-71, combined with the uncontested abrogation by Russia of the Black Sea treaties, not unnaturally led the world to conclude that we had decided to carry non-intervention to the utmost limits, and the Northern Powers assumed that nothing short of invasion would be likely to disturb the equanimity, or dispel the lethargy, of the allegorical quadruped above referred to. But Lord Derby and Mr. Disraeli have taken a bold step, which proclaims that the "old country" is not so utterly effete as was imagined, and perhaps in some quarters desired. The purchase of the Khedive's interest in the Suez Canal, for the large sum of four millions sterling, shows that the Conservative ministry is alive to the importance of the great Eastern question, the embers of which have been smouldering ever since the termination of the Crimean War, and may burst into flames at any moment. The announcement of the great "coup" was electrical both in political and financial circles, especially in the latter,

and the rush of the "bears" to save their bacon was almost unprecedented. For the last two months the money market has been frightfully depressed, owing to the partial repudiation of Turkey and other irregularities in connection with almost all foreign stocks; and both in London and Paris, the unprincipled "wreckers" who play havoc with the property of *bona fide* but timid investors have been reaping a golden harvest. Their latest onslaught was upon Egyptian Bonds, and the wildest rumours respecting the Viceroy's insolvency were afloat; had he been the proud possessor and sole denizen of a desert island, his detractors could hardly have made him out more impecunious. Now his turn and that of his backers has arrived. With a magical stroke of the pen Lord Derby and Messrs. Rothschild have credited the much-abused potentate with four millions in hard cash, and the chameleons of the Stock Exchange announce in unmistakeable terms that his credit is undebatable. In other words, Egyptian stocks have risen from 20 to 30 per cent. All political parties appear to consider the Government purchase of the Canal shares judicious, and it will of course be ratified by Parliament in February, but it is not improbable that the question will arise whether we ought not to buy up the remaining interests. It would certainly be desirable that the Canal should be entirely out of the hands of private investors and speculators; but jealousy might arise were England to appropriate the Canal to herself, and men in this country, whose opinion ought to have weight, seem to favour the idea of a joint proprietorship by England, France, Italy, Prussia, and other nations, if need be, always excluding Russia, who can have no commercial reasons for putting a finger in the pie.

It is at present a popular delusion that the acquisition of so large an interest in the Suez Canal will increase our influence in Egypt to an enormous extent. There is no foundation for such a hasty conclusion. We are on most cordial terms with the Khedive, as was proved by his reception of the Prince of Wales, and it is quite on the cards that he may follow our advice as to the regulation of his finances, now that the ice is broken; but the Suez Canal shares are more likely to affect our relations with M. De Lesseps than with the Viceroy of Egypt. That gentleman, of whom I can speak most cordially from personal experience, has none of the prejudices which sometimes warp the judgment of his compatriots, and is charmed that the obstinate Britons at length acknowledge the value of his Titanic achievement in so practical a manner. It really ought to be rather humiliating to this country to look back upon the epoch when our ministers and our engineers, our Palmerstons and Stephensons, derided the great Frenchman's project, and

ridiculed the possibility of converting the continent of Africa into an island. On the whole face of the globe we are the nation *par excellence* who have profited by the work of M. De Lesseps' splendid genius and indomitable perseverance, and we are the short-sighted noddles who moved heaven and earth to prevent the accomplishment of his design. Is not this what is so aptly termed the irony of events? In purchasing four millions worth of shares, however, we have eaten our humble pie and made the "amende" to the great French Engineer. Mr. Henry Oppenheim, the well known Egyptian Financier who has so long been successfully employed in keeping the Khedive's head above water, was mainly instrumental in completing the negotiation; and Englishmen in general, and holders of Egyptian stock in particular, ought to be very much obliged to him. The Suez Canal bargain has not disturbed Foreign minds so much as was anticipated. France has vapoured a little, and prejudiced writers in the Paris journals have sustained that no such insult could have been offered to the "Grande nation," had a Monarchy or an Empire existed in lieu of a Republic; but this is all "froth," and, if there be any spleen in it, it is spleen directed not against England but against rival political combinations in France. Germany has expressed decided approval of Lord Derby's *coup d'état*, and even Russia abstains from over-captious criticism. Perhaps Austria is most "riled" at the turn which events have taken; but it would be difficult to say why, for of all the Continental Powers she would appear to have the least direct interest in the free navigation of the Suez Canal. On the whole, the purchase of the shares may be considered to "score" on the side of the Conservatives.

Turkey shows no sign of revivification or reform. It is now more than two months since her financial collapse was made public, and still the Padishah pursues his course of luxury and extravagance; still he summons to his Council none but the most obstinate and unprincipled old Turkish Tory advisers. *Quem Deus vult perdere prius dementat* is as true a saying in these days as when it was written nineteen hundred years ago, and the Father of the Faithful on the Bosphorus is busy in demonstrating the fact. It is now well-known that the Sultan of Turkey is positively imbecile; and as a natural sequence, he and his empire are rapidly careering along the broad path which leads to destruction. Were Abdul Aziz a potentate ruling elsewhere, he would be looked upon as a lunatic; but his person, according to Mahomedan views, is too sacred for incarceration, so his empire goes to rack and ruin, his subjects are tortured and persecuted, and certain credulous clients receive no interest on their bonds. *Quicquid delirant reges plectuntur activi.* Does

it not seem rather a pity, that the civilised Powers of Europe should have made up their minds, that their duty is to ensure the execution of the trite maxim that every man must be allowed to go to the devil in his own fashion?

The continent of Europe wears a peaceful aspect. It generally does at this time of year. Frost, snow, wind, and rain do not invite campaigning. At the same time this is the season when the brains of ambitious statesmen incubate, and who knows what complications may be hatched by the warm breath of spring? Those German stoves in the War Office at Berlin could have given some valuable advice to Napoleon III, had they been able to communicate all that reached their ears in December 1869. So far as England is concerned, Eastern rather than Western embroilios are likely to arise. Should Turkey succumb to the Northern Powers, and should Great Britain be unable or unwilling to arrest her downfall, great disaffection may arise among our Mahomedan subjects in India; and, if the Malay population follow suit, and the Chinese take advantage of such a capital opportunity for insulting us Barbarians once more, we shall have our hands pretty full. On the best authority I learn that, should the Chinese think fit to assail us without warning, frightful events would occur before sufficient reinforcements could arrive to gain the upper hand. The celestials are still savage and uncivilised in social amenities; but, so far as relates to warfare, they are very different people to tackle compared to those who fought us on the Peiho fifteen or sixteen years back.

Following the example of other military nations in Europe, our War Office has just issued a new and comprehensive scheme of mobilisation. Prussia has evidently been the model in view. The scheme looks very plausible, and has been prepared with the utmost care and ingenuity by the executive officers of the Intelligence Department, but on minute inspection it proves to be a hollow mockery, a delusion and a snare. Why? Because the scheme of mobilisation, sufficiently admirable in itself, professes to mobilise non-existent troops. A force on paper and a force in the field are two very different things; and until we have really *bonâ fide* troops, and guns and materiel, schemes of mobilisation can only be devised with a view to hoodwink public opinion in the country. This precious scheme provides "army corps" drawn up in strict accordance with the regulation continental pattern; but their detail shows that they are composed of doubtful militia-men, still more shadowy volunteers, mythical army reserve men, and a sprinkling of orthodox regulars, without cavalry, guns, scientific, or transport corps. Really the Duke of Cambridge and Mr. Gathorne Hardy should have hesitated before dangling such a phantom army before

the eyes of the British tax-payer. If this delusive scheme, through the influence of the *Times* and the Radical Press, should humbug the public, they will have to pay dearly some day for their short-sighted credulity. It is always an unpleasant process to pay away money; and many a husband and father, in discharging the premium on his life-policy, has lingered regrettably over the Bank notes and sovereigns that he disburses; but he has his reward when, stricken by sickness and death, he feels that his belongings are provided for. If John Bull will not part with his money freely to insure his country, he must be prepared for weeping and gnashing of teeth when the day of reckoning comes. It is really surprising that Mr. Gathorne Hardy should not seize the opportunity which is offered him. He was doubtless justified in giving Mr. Cardwell's new system and revolutionary ideas a fair trial; but when he sees army matters daily going from bad to worse, when he sees each new-fangled idea daily demonstrated to be a lamentable failure, when he hears from all ranks of the army that Mr. Cardwell's crotchetts cannot by any possibility succeed, then it does seem almost incredible that he should not remonstrate effectually with those who may be supposed to "gag" him, or resign. It is to be hoped that the mobilisation scheme, carefully perused, will not deceive but open wide the eyes of the British Public.

Thanks to the telegraph, we hear just as much of the Heir Apparent's movements in India as if he were travelling in Kent or Sussex. The weather in Ceylon seems to have been somewhat similar to that which we have experienced in these Islands, viz., gales of wind and deluges of rain, and the European suite must be rather disgusted with the amenities of a tropical climate. Of course His Royal Highness was bound to shoot an elephant, and so he endured immeasurable discomfort; how many sportsmen do the same thing in all countries! In England, if you have horses, you *must* hunt; if you have dogs and guns, you *must* shoot; if you can pull a strong stroke and have any connection with an aquatic club, you *must* row; if you have two bats and a set of pads, you *must* play cricket, and so on *ad infinitum*. No matter what the weather, no matter what your other and more pressing engagements, no matter how dyspeptic or disinclined for sport you may be, sport you *must* have "willy nilly." "Life would be tolerable but for its amusement" said Sir Cornwall Lewis, and how fervently must the Prince of Wales, his equerries and his coolies, have re-echoed the sentiment in Ceylon. You must really treat him better in Madras, or we shall have him home before his time, and then all sorts of frightful political rumours will be set afloat. We shall be told mysteriously of organised plots of assassination and European complications which necessitate his immediate pre-

sence at the Privy Council, and then rumours of abdication will be ingeniously interwoven with conjugal scandals, and there will be the devil to pay. So we hope that the sanitary authorities will order the clerk of the weather to turn off the water, and warn the Cholera off the premises of the Presidency. As it is far from probable that the future King of England will ever have a second chance of inspecting his Eastern Dominions and hob-nobbing with his eastern subjects and co-potentates, it would be little short of a calamity that his tour should be abridged. In a land like India, where etiquette and precedence are of such paramount importance, any deviation from the programme laid down could not fail to occasion much annoyance, if not serious jealousies and heart-burnings. The demeanour of Lord Northbrook has been highly thought of in this country. He appears to have behaved with a modesty and dignity beyond all praise. He had by no means an easy part to play at Bombay, and he came out with flying colours; no doubt he will be equally affable and discreet at Calcutta.

We have not yet heard the last of that irrepressible trio Messrs. Kenealy, Guildford Onslow, and the "claimant." The two former have been interviewing the latter in Dartmoor prison, and of course are more firmly convinced than ever of the positive identity of the "unhappy nobleman," which conviction they are most anxious should be shared by the general public. Heart-rending accounts of the reduced bulk of the convict have been promulgated; and it is considered in this case a proof of innocence, that the incarcerated individual does not thrive quite so well on bread and "skilly" in Dartmoor Jail, as he did on turtle-soup and unlimited brandy and water in a West End Hotel. Pathetic letters have also been manufactured and distributed, which purport to emanate from the claimant's brain and pen; but their authenticity may be received with some little hesitation, as they contain elaborate later quotations from the poets or the Latin Grammar; and it may be recollect that the convict, when under cross examination, did not know who Virgil was, and interpreted *laus Deo* to mean the "laws of God." It is hardly probable that his knowledge of classic lore has been amended by his intercourse with the local turnkeys. Are we ever destined to hear the last of the "claimant?" He has been "going" now for about twelve years!

A club case, which has been much discussed, has just been decided in a Court of Law. Mr. Lyttelton was turned out of the Junior Naval and Military Club for "conduct which, in the opinion of the committee, was prejudicial to the interests of the club." He appealed to the gentlemen of the long robe, because he argued that the committee had exceeded their powers; but the rule under which they acted obtains

in nearly all clubs; and rightly so, because, if a committee is not vested with plenary powers, it had better never sit at all. A score of gentlemen elected by their friends and acquaintance out of some six hundred others, must of necessity be assumed to act with justice, generosity, and circumspection. This is what Mr. Lyttelton denied, but which Vice-Chancellor Bacon has affirmed. The individual must in all relations of life be sacrificed to the interests of the community, and if Mr. Lyttelton persisted in quarrelling with and thwarting the committee, he was bound to go to the wall. It is not usually advisable to publish club squabbles, but good service has been done by bringing this case into court for decision. In future, members will understand that the "powers that be," however arbitrary, must be respected and obeyed. On no other conditions could club life be maintained in decency and order.

An unfortunate scandal has arisen at Eton College. It is very sad that these great educational foundations cannot arrange to wash their dirty linen at home. The miserable quarrels between Dr. Hayman and his assistant masters and the Governing Body at Rugby are still fresh in our memories, and there appears every prospect of similar dissensions in Buckinghamshire. Dr. Hornby, the Head Master of Eton, thought fit to dismiss a subordinate, who has appealed to the Governing Body. The latter side with the Head Master, and so the recalcitrant usher rushes into the columns of the *Times*, or rather induces a friend, Mr. Knatchbull Hngessen, to air his grievances for him in that journal. With its customary inadequate appreciation of the fitness of things, the *Times* has allowed a correspondence to be prolonged which ought never to have been commenced. If Dr. Hornby is a fit Head Master, he must control his subordinates absolutely. What would Keats or Hawtrey have said to an assistant master who did not regard their word as law? Why, I verily believe the former would as lief have flogged a junior master for insubordination, as he would have similarly punished a fourth form boy. The good old times are sadly changed, and Eton suffers in public estimation accordingly.

Our naval mishaps have not yet come to an end. The *Iron Duke*, which so effectually and artistically rammed and sank the *Vanguard* just outside Dublin Bay, has nearly gone to the bottom herself. Some sluices or valves or other complicated mechanical contrivances (which Jack does not seem to understand and appreciate) were left open; in rushed the water; nobody could find out where the leak was, and another half million of money was quietly settling down to the bottom of the Channel, when the seat of the mischief was

discovered. All these marine mistakes are rather humiliating, and rumour says that Mr. Ward Hunt will not stay in office to be badgered in Parliament. These disasters are probably no fault of his, nor of the captains in command. In fact science, with its gigantic strides, far outstrips the progress of naval education, and many of our ironclads are manned by seamen who are as fit to manœuvre them as a plough-boy would be to drive a locomotive engine. Here again, as with our land forces, efficiency is entirely a question of pounds, shillings, and pence. Instead of the traditional "hearty salt," our floating forts—for that is what they are—require skilled artizans and practical engineers. Brains are superseding muscles, and brains command a high price, which sooner or later will have to be paid if we are to retain the Empire of the Seas.

I am, yours, &c.,  
PERIPATETIC.

LONDON, 10th December 1875.

RIGHT-HAND AND LEFT-HAND CASTE  
DISPUTES.

To the Editor of the Revenue Register.

SIR,

Madras Regulation III of 1802 and Madras Civil Courts Act III of 1873, Section 16, provide that in all suits regarding succession, inheritance, marriage, or caste, or any religious usage or institution, the Mahomedan Law with respect to Mahomedans, and the Hindoo Law with regard to Hindoos—and any custom (if such there be) having the force of law governing the parties concerned—shall form the rule of decision.—Vide Privy Council judgment in *Mooneshee Buzoor Ruheem v. Shamshoonissa Begam*, 3, *Madras Jurist*, p. 18. The disputes between the Right-hand sect and Left-hand sect among the lower orders of Hindoos exist since an immemorial period. In large villages and towns, separate streets are allotted to each sect for their processions. Thus this long-standing custom has become law. Such being the case, how can a Court refuse to recognize this custom, and declare that every man has a right to go in procession in public highways? Although the question of proceeding in procession is not in the suit in which the enclosed judgment was passed, yet the Munsiff (who has earned a good name as an honest man and a lawyer) in deciding that a left-hand caste man can erect a dwelling house in a right-hand caste's street, argued a great deal against the policy of maintaining caste distinctions in public highways. The judgment is interesting in every way; and, in sending copy of it for publication in your columns, I

beg you will favor us with your opinion as to whether the judgment is right or wrong.

Yours obediently,  
ADONI.

23rd December 1875.

BELLARY DISTRICT MUNSIFF'S COURT,  
5TH NOVEMBER 1875.

Present:  
P. TEROOMAL Row, District Munsiff.

O. S. No. 677 of 1875.

N. Jembiah, C. Kadappah, P. Dodda Ramanna,  
V. Rangiah, K. Iyenna, and K. Hanoo-  
manna—Vakeel C. Bheemsain Row;

versus  
Madiga Iyagadoo—Vakeels V. Narasinga  
Row and Lateef Khan.

Judgment.

1. I think it is necessary to recapitulate at some length the previous proceedings in this case, in order that the present state of the case, and the grounds of my judgment thereon, may be better understood.

2. Generally, in almost all large villages in Southern India—at least in this part of the Ceded Districts—there exist two sets of caste-factions among the Hindoo lower orders (viz., other than the divijahs, i.e., Brahmins, Kshatriahs, and Vyayas). These factions are commonly called right-hand and left-hand castes. Of these, the right-hand sect, styled *Dyvachara*, comprises lingayets, weavers, oil-mongers, tailors, reddies, cultivators, Baljas, shepherds, potters, Benders, shoe-makers, basket-makers, Gollas, washermen, barbers, jogees, Booboodkies (all wearing lingas), and Malas or Kotagars among Pariahahs; and the left-hand sect, styled *Panchala*, comprises the five sorts of smiths (viz., 1, gold and silver (kamsala); 2, copper and brass (kanchara); 3, iron (kammara); 4, wood (wadla); and 5, stone (silpi) smiths) who wear sacred thread of *divijahs* or twice-born, Hatagars or dyers, *Dévanga*s or weavers wearing thread, and Madigars or chucklers among Pariahahs. These two rival parties have always maintained an animated fight for precedence. From time immemorial each of these parties have had their own streets and deities, for the performance of their religious duties and processions; and each of them is prohibited from going in procession in the streets of the other sects. But this restriction is now daily dying out, as civilization consequent on British administration is progressing. True, the British Courts have hitherto maintained such restrictions by their decrees, but the present idea of the authorities is quite different on this subject from that

of their predecessors. Now, every man has a right to pass along the public highways in any manner, provided he does no injury to any one else; and the fact that he has never done so before is no reason why he should not do so now. It is now left to the discretion of the Magistrate to sanction or forbid any procession; for, it is he that is responsible for the public safety.

3. The plaintiffs are members of the *Dyavachar* class, and the defendant is a Madiga by caste, and a member of the *Panchala* community, of the village of Gúdikallú in the taluk of Adoni. This village consists of 676 houses, and the population, according to the census of 1871, is 2,602.

#### 4. The facts of the case are these :—

On the 4th November 1869, the plaintiffs sued the defendant in Original Suit No. 902 of 1869, on the file of this Court, to establish their right to a piece of ground measuring 20 yards east by 10 yards west, bounded by first plaintiff's house and cattle shed on the east, by Kotagar people's houses on the south, by Mullah's house on the west, and by Valiah's house on the north, valued at Rupees 500, stating that they had right to the ground as the *Dyavachar* section of the village, and that the defendant, without their consent, "commenced" to build a house on it on the 19th August 1869. Here, I may observe that it appears from a Takeed of the Tahsildar of Adoni, dated 26th May 1868, addressed to the village authorities, that the defendant erected a hut on the ground in dispute in about February 1868. The defendant traversed the plaintiffs' title, and claimed the ground as his, and maintained that it was included in his premises; that he had all along had possession and enjoyment; and that four years before (i.e., 4 years before 1869) he had removed a hut that was standing on the ground, and built a house on the site. He also contended that all the *Dyavachar* community of the village should have joined in bringing the suit. Mr. Platcher, the late District Munsiff of this Court, recorded two issues :—" (1), whether the disputed ground is the property of the plaintiffs; and (2), whether they have all along had possession and use." On the 19th March 1870, a petition was filed by both parties requesting the Court to strike off the suit, as they had compromised with each other, the plaintiffs consenting to the defendant's building the house in dispute, and the defendant agreeing not to open doorways to the said house leading to the east and north. The suit was accordingly struck off the file. But on the same day the defendant put in a motion requesting the restoration of the suit, on the ground that the withdrawal-petition had been fraudulently prepared. Mr. Platcher "ordered that the suit be replaced on the file" on the 25th March 1870.

Upon what proof, and according to what law, this order was passed, I am now at a loss to know. Well, on the restoration of the suit to the file, the plaintiffs examined five witnesses and the defendant examined three witnesses. The Court deputed an Ameen to prepare and submit a plan of the disputed ground; and on the receipt of the said plan, Mr. Platcher, " notwithstanding the discrepancies in plaintiffs' evidence," gave credit to it; and observing "that the plaintiffs have rightly sued for the ground as belonging to their class, and it would be scarcely possible to bring every member of the class into the suit, and moreover some of them may be unwilling to sue," decreed, on the 30th July 1870, in favor of the plaintiffs for the ground "according to the dimensions given in the Commissioner's Report, with costs of suit." What the dimensions of it are is not stated, even in the decree. On the 22nd August 1870, the defendant applied for a review of the judgment, on the ground that he was absent from the village when the Ameen came and prepared the plan, which was false; and the Ameen submitted this incorrect plan, taking part with the plaintiffs, who were rich Sowkars; but Mr. Platcher rejected the application. Then, the defendant appealed in Appeal Suit No. 194 of 1870. This appeal was disposed of by Mr. Dawes, the late Principal Sudr Ameen of Bellary, on the 2nd March 1872. Mr. Dawes held that the defendant had pleaded both possession and enjoyment; that the plaintiffs themselves complained of his commencing to build on the ground they claimed; that the objection taken in appeal, viz.: that the suit had been wrongfully laid, inasmuch as the plaintiffs sued only to establish their title to the ground, whereas they should have also sued to recover, was sound and tenable; and that the plaintiffs clearly should sue to obtain possession; and he proceeded to reverse the original decree and dismiss the plaintiffs' suit with costs, with however the reservation in favor of the *Dyavachar* people that if they chose, they could themselves, or by duly appointed representatives, bring another suit to establish their title and recover possession. Upon this the plaintiffs sued the defendant on the 23rd March 1872, in Original Suit No. 179 of 1872, on the file of this Court, for the establishment of their title, and to recover possession of the same ground (but with a lessened measurement, viz.: eleven yards east by ten yards west.) The defendant traversed the suit. On the 14th October 1872, Mr. Platcher directed the plaintiff, that as the institution of the suit by only "one" instead of by all the members of the *Dyavachar* community was irregular, the plaintiffs should join all of them. This order was written by a Goomastah and was not signed by the Munsiff. Anyhow Mr. Platcher recognised this order, as would appear from his subsequent

proceedings. On the 6th November 1872, Mr. Platcher, observing that "the plaintiffs having failed to comply with the requisition of the Court to include in the suit the *Dyvacharam* class of the village according to the Principal Sudr Ameen's decree," dismissed the suit with costs under Section 148 of the Code of Civil Procedure. If Mr. Platcher himself deemed that it was necessary that all the members of the *Dyvachar* class should be made parties, he should have followed the procedure laid down in Section 73, Act VIII of 1859. Why the plaintiffs should include others as co-plaintiffs, and how their failure to do so would justify dismissal of the suit under Section 148, which relates to the default of parties to produce proofs, I am at a loss to comprehend. Well, to return to the subject, Mr. Platcher, on the 20th December 1872, or six weeks afterwards, set aside his decree of the 6th November 1872, without any application for a review, and, on his own motion. In my humble opinion, this was a procedure quite unwarranted by law; but Mr. Platcher, in his "order" setting aside the decree and directing the restoration of the suit to the file, stated that "he was in *doubt* as to the correctness of "the course pursued by him, as his judgment "was not passed on the records, and that he "resolved to set aside the same and to proceed "with the case." Subsequently, on the 4th October 1873, Mr. Platcher recorded the same issues for investigation as above stated. On the 19th November 1873, the defendant challenged the plaintiffs and three of his witnesses belonging to the *Dyvachar* class, to take an oath in Doorgammah's Temple to the effect that the disputed ground belonged to the *Dyvachar* class; that they had possession and enjoyment; that they built a platform, and that the defendant had no right to it. The plaintiffs' vakeel agreed to the proposal. On the 21st November 1872, the Court issued a commission to a copyist of the Court to administer oath to the plaintiffs. He returned the warrant of commission on the 22nd November 1872, reporting that the plaintiffs, as well as the defendant's two witnesses, had taken their oath in the temple. It is scarcely necessary to remark that the Commissioner executed his commission beyond what he was ordered to do. The Court did not mention in its warrant anything about the defendant's witnesses. From this report it would appear *all* the plaintiffs took their oath. But it was not the case as would appear from subsequent proceedings. On the 26th November, the defendant put in a motion stating that he had not consented to the plaintiffs' taking oath; that only a few of the plaintiffs had taken their oath; and that therefore the Court might proceed with the examination of the witnesses. But this petition was "rejected." On the 4th December

1873, the Court issued another commission to the same copyist directing him to administer oaths to the other "three plaintiffs than the three who had already taken their oaths." How the Court came to know that only three out of six plaintiffs had taken their oath and that the others had not, is a mystery. Then the Commissioner reported on the 5th December, that the fourth and fifth plaintiffs took their oaths on that day, and on the 8th December the sixth plaintiff took his oath. I am perfectly convinced that these two reports were utterly unreliable, and my doubt as to the accuracy of the Commissioner's reports has been subsequently confirmed by the statements made in a petition voluntarily presented to me by the third plaintiff, who says that on a day the first, second, and fifth plaintiffs took their oath (whereas the Commissioner reported that the first, second and third plaintiffs took their oath on that day), that next, third and sixth plaintiffs took their oath (whereas it appears from the Commissioner's Report that fourth and fifth plaintiffs were the next persons who took their oath); and that then the fourth plaintiff took his oath (whereas the sixth plaintiff lastly took his oath according to Commissioner's Report.) On the 13th December 1873, Mr. Platcher gave judgment for plaintiffs as sued for, with costs, on the ground that the plaintiffs had taken the required oath. Against this judgment the defendant preferred an appeal to the District Court in *formā pauperis*, but his application to appeal in *formā pauperis* was, owing to the absence of the defendant when called by the District Court, struck off on the 20th February 1874. The defendant applied to me on the 17th March 1875, for review of judgment. I gave notice to plaintiffs; but they failed to appear on the day of hearing of the defendant's application. Having read the records of the case, I admitted the application, set aside the decree, and ordered the re-investigation of the case. In the meantime the local jurisdiction of this Court over the village in the Adoni Taluk, in which the disputed ground is situated, was transferred from this Court to that of Adoni. I then sent up the case to the District Court, which placed the suit on its file in Original Suit No. 52 of 1875; and then transferred the suit to this Court for disposal. The proceedings of the case were received from the District Court on the 25th October, and the suit was filed in Original Suit No. 677 of 1875.

5. The following are the issues which I have recorded for the disposal of the case:—

- I. Whether the suit is barred by Section 2, Act VIII of 1859?
- II. Whether the disputed ground is worth Rupees 500?

**III. Whether the plaintiffs or the defendant have the title, possession, and enjoyment of the ground in dispute?**

6. The plaintiffs and defendant examined each three witnesses.

7. I have read the records of this case, and that of Original Suit No. 902 of 1869, and Appeal Suit No. 194 of 1873, as well as several takeeds written by the Adoni Tahsildar to village officers produced by the plaintiffs' first witness.

8. Reasons for my granting the review are not wanting. The numerous irregularities above noticed, and the obvious nature of the consequences of the decree that directed the demolition of the defendant's house admittedly standing for several years, and to retain which the plaintiffs had themselves agreed once, are sufficient grounds for my setting aside my predecessor's judgment. I found that the review was necessary for the ends of justice, and to correct errors and omissions in the proceedings which have happened to the prejudice of the defendant's interests; and I granted the review on the authority of the Rulings of Madras High Court. (I, Vol. Rep., 164).

9. Mr. Platcher states in his judgment that, "on appeal the Principal Sudr Ameen reversed the judgment and dismissed the former suit on the ground that the whole of the *Dyvachar* people of the village had not joined in the suit. He, however, left it optional to the class to bring a fresh suit to establish their title and to recover possession of the ground. Thereupon the plaintiffs alone again sued in the present suit. At first I (Mr. Platcher) dismissed the suit under Section 148 of the Code of Civil Procedure on the ground that the Principal Sudr Ameen's requisition had not been complied with, but subsequently doubting the correctness of the Principal Sudr Ameen's direction and my (Mr. Platcher's) own proceeding, as he had not decided whether the plaintiffs could sue alone or not, I replaced the suit on the file." But Mr. Platcher did not decide the point, though it was a most essential one in the case. I do not say that I agree with Mr. Dawes in holding that plaintiffs alone could not sue. In my opinion a single person can represent the whole population in maintaining the public property. But the Principal Sudr Ameen took another view of the case, and his decision, whether right or wrong, is final, (as no appeal was made against it) between the parties who should abide by it; and I, therefore, think that this suit, brought by only the same plaintiffs against the same defendant, is barred by Section 2, Act VIII of 1859. The former suit was a proper one, and a declaratory decree could have been passed as the plaintiffs would have had consequential relief if their

title to the ground had been declared valid. But Mr. Dawes thought that that suit praying only for declaration of title was insufficient to meet their object. In the subsequent suit, Mr. Platcher's proceedings after he dismissed the suit under Section 148 (against which the plaintiffs neither preferred an appeal nor applied for review) were irregular, and could not be legally countenanced, as he had no authority to replace the dismissed suit on his own motion. On the suit being replaced it was disposed of not on its merits, but according to a game-like arrangement of the parties. The defendant put in a motion—as to the genuineness of which he subsequently demurred—challenging the plaintiff and three of his witnesses belonging to plaintiffs' creed to take oath in Doorgamma's temple as to the truth of the plaintiffs' allegations. It was the defendant's object, as it is generally the case, either that it would be a practical test of plaintiffs' sincerity, or to trifle with the reputation of plaintiffs in the estimation of the public, even at the hazard of losing his property; as, in the opinion of the defendant, the plaintiffs' testimony on solemn affirmation as administered in Court would not be satisfactory. The system of solemn affirmation is—according to Sir George Campbell, who was a barrister-at-law, Judge of the High Court, and lastly the Lieutenant-Governor of Bengal—"nothing but a farce," and to which the natives—particularly the rural public—never attach any degree of reverence. It is an evident fact, that can daily be seen in our Courts, that a respectable native would not consent to take oath in any sacred place as to the truth of his statement; whereas he would have no objection to give his statement on solemn affirmation in a Court of justice. Irrespective of religious scruples, it is deemed highly disrespectful to take oaths in temples even as to a matter of undoubted truth. So the defendant thought that plaintiffs would not take oath in the temple before the public, and that if they took the oath required, they (plaintiffs) would lose their respect in public estimation. In this belief the defendant was sadly disappointed. No one, except the copyist holding the commission to administer the oath, was present when the plaintiffs took their oath, and even all the plaintiffs did not assemble together at one time to take their oath in the temple. Notwithstanding the contradiction between the two reports of the Commissioner, and also between those reports and the allegations of the third plaintiff, as to the fact of the plaintiffs' making oath, it may be said, for the sake of argument, that the plaintiffs took the required oath in the temple, but still the matter is defective in law. The Commissioner merely reported that the plaintiffs had the required oath administered to them, but submitted no written evidence or depositions made by the plaintiffs as required by Sec-

tion 10, Act X of 1873. So, we have not on the record the sworn depositions of the plaintiffs, to use them conclusively against the defendant, under Section 11 of the said Act. Under these circumstances, I am of opinion that the second suit is barred by Section 2, Act VIII of 1859; that, if it is to be deemed that it is not barred, all the proceedings in this suit subsequent to the dismissal under Section 148 are illegal; and that, if it be legal, the defendant's challenging the plaintiffs to take oath as to the truth of their claim, was not complied with as required by law.

10. To save the necessity of remanding the suit for investigation and disposal on the merits of the case, if the case is to be appealed, and the Appellate Court take a contrary view of the case, I think it better to record my opinion on the remaining two issues touching the merits of the case.

11. The value of the suit was certainly overrated, perhaps, to deter the defendant from defending the suit at a considerable cost beyond his means. It would appear from the evidence that the spot in question was valueless in the village, and the plaintiffs valued it—as one of their witnesses said—on the importance of respect which they attach to the land in question. The Court fees should have been determined under Clause 6, Art. 17 of Schedule II, instead of fixing it under Art. 1 of Schedule I of the Court Fees Act VII of 1870; for it is not possible to estimate at a money value the subject-matter in dispute.

12. The plaintiffs' witnesses who were examined in this case were only those who gave testimony in plaintiffs' favor in the former case. Their present testimony is contrary to their former statements. The statement that the disputed ground is a platform seems to me a new invention, as no allusion was made to it in the plaint in the former suit. The plaintiffs' witnesses speak to this platform having been used by the *Dyvachar* class as a place of assemblage previous to forming procession. The plaintiffs' first witness (who takes a warm interest in the plaintiffs' case, and who is a convicted bribe-taker) in describing the nature of the platform and of the assemblage, stated that the platform is not in good order, that it looks like a platform because large stones are lying around the place without any pial, that within the last eleven years he saw on one occasion that people assembled therein at the "Moharam" (notwithstanding that both parties are Hindoos, and the suit is concerning religion!) that the disputed ground is not situated in the *Dyvachar Bazaar*, but by the side thereof; that there is a large rocky stone of a man's height between the bazaar and the defendant's house; that there is no way to defendant's building direct from the bazaar, and that the *Dyvachar* processions proceed along

the bazaar direct from west to east, and never turn to south, by which direction the way that leads to defendant's building runs. The plaintiffs' 2nd witness, a Mahomedan, volunteered to support the plaintiffs' case, but failed in cross-examination. He said that he did not know the boundaries of the *Dyvachar* and *Panchala* streets; that he believed the bazaar from west to east leading to the Fort—and not either to the north or south—was the only street for the *Dyvachar* class; that the platform was in good order; that a large rocky-stone stood between the bazaar and the defendant's building, and that there was no way to defendant's building direct from the bazaar. The 3rd witness, a man belonging to the *Dyvachar* class, speaks in plaintiffs' favor. All three witnesses differ from each other in certain other minor points. The defendant's witnesses prove that the defendant's building is not in the bazaar, and that the ground thereof has been in the possession and enjoyment of the defendant all along.

13. Even if the disputed ground is situated in the *Dyvachar Bazaar*, I think neither the plaintiffs nor any *Dyvachar* man can restrain the defendant from erecting a dwelling house thereon, unless they can show a title to it. I know by experience that, although in some villages and towns there are well defined streets separate for each of these two rival classes, there are still in such streets many houses belonging to persons of the opposite class. This fact may readily be found to exist in the town of Bellary. Thus the fact of the defendant building a dwelling house is in no way an offensive act, such as to cause an insult to the religion of others. Each class is forbidden only from going in procession in the street allotted to the opposite class. Tranquillity ought not to be maintained by a sacrifice of liberty. Plaintiffs' prayer to demolish the defendant's building is based on a right which is a mere luxury, the denial of which would not practically interfere with the real right of the plaintiffs' class. To support this view I would only quote the terms of the petition filed by both parties withdrawing the suit in Original Suit No. 902 of 1869. There, the plaintiffs have consented to the retention of the defendant's house which they now seek to remove. Would the plaintiffs agree to the retention of the defendant's disputed building, had it been really offensive in any way to their religion? Certainly not. Then what is the reason for plaintiffs' prayer? I can see nothing but a luxurious ambition of triumph which the Court's justice will not countenance at all.

14. Under these circumstances, I can see no alternative but to dismiss the suit with costs.

This judgment may be interesting to a certain extent, and the *ratio decidendi* may be sound; but we would have been better pleased with it, if the language were simpler, and there were not such a labored attempt in it to throw dirt on one's predecessor.—ED. R. R.

**HIGH COURT—MADRAS.**

No. 54.

**MORGAN, C. J., INNES AND KINDERSLEY, JJ.***Certificate of sale—Stamp duty.*

*Where the Board of Revenue referred the question whether sale certificates issued under Sections 35 and 40 of Act VIII of 1865 should be written on stamped paper.*

*HELD, that such a certificate was not a conveyance, and was not subject to the stamp duty.*

*Proceedings of the Board of Revenue, dated 12th January 1875.*

Read the following letter from W. McQUHAE, Esq., Collector of Madura, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 30th November 1874, No. 405:—

I have the honor to request the Board's orders on the question whether certificates of sale issued under Sections 35 and 40 of Act VIII of 1865 are to be written on stamped paper. I think they should be stamped as conveyances at the expense of the purchaser.

The point is a doubtful one. The Collector will pass an order in a case of the kind and submit it to the Board, who can then obtain an authoritative ruling from the High Court under Sections 40 and 41 of Act XVIII of 1869.

(A true copy and extract.)

(Signed) H. E. STOKES,  
*Acting Sub-Secretary.*

No. 1284.

*Proceedings of the Board of Revenue, dated 14th May 1875.*

Read the following letter from W. McQUHAE, Esq., Collector of Madura, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Sayelgudi, 20th March 1875, No. 119:—

With reference to the Board's Proceedings, dated 12th January 1875, No. 54, I have the honor to submit translation of an order passed by the Acting Deputy-Collector on General duties, and to request an authoritative ruling on the question whether sale certificates issued under Sections 35 and 40 of Act VIII of 1865 should be stamped. The order passed by the Acting Deputy-Collector appears to me to be wrong.

**ENCLOSURE NO. 1.**

*Translation of order issued by the Acting Deputy-Collector on General duties Madras, to the Tahsildar of Madura, dated 8th March 1875.*

Read your arzi, dated March 1875, No. 161, sent in reply to this office order, dated 30th January last, No. 110. It appears that Alagappa Kone of Madura and others request that certificates should be given to them for lands purchased by them in sales held under Act VIII of 1865. It has not as yet been authoritatively decided whether such certificates should be on stamp paper or not. It appears from your arzi dated 2nd September 1874, No. 540, to have been the practice hitherto to issue such certificates on unstamped paper. Continue, therefore, to do so till the matter is authoritatively decided. The enclosures to your arzi under reference are herewith returned.

(Signed) T. APPAJI ROW,  
*Acting Deputy-Collector.*

(True Translation.)

(Signed) W. McQUHAE,  
*Collector.*

The question for determination is whether certificates of sale issued under Sections 35 and 40 of Act VIII of 1865 are to be written on stamped paper.

2. The Collector of Madura having been instructed to pass an order in a case of the kind, and submit it to the Board with a view to an authoritative ruling being obtained, has decided that such sale certificates should be stamped as conveyances under Article 15, Schedule I of Act XVIII of 1869, the stamp duty being borne by the purchaser under Clause 4, Section 6 of the Act.

3. The Board have held that certificates under Section 38, Act Proceedings, 27th II of 1864, are not liable August 1874, No. 2420. to stamp duty on the ground that they are not conveyances as shown by the form prescribed for such documents; but no form is laid down for certificates under Act VIII of 1865, nor does it appear from the Act what the effect of the certificate is, or how the purchaser is to enforce the right evidenced thereby.

4. The High Court have ruled that sale certificates issued by Proceedings, 18th November 1871, No. 1805. Civil Courts under Section 259, Civil Procedure Code, are instruments declaring an interest in property, and must therefore, if the value exceeds Rupees 100, be registered, and

the Inspector-General of Registration has instructed his subordinates to treat them as deeds of sale executed by the Courts granting them.

5. The Board are of opinion that certificates issued under Act VIII of 1865 are just as much deeds of sale and should be treated as conveyances, the stamp duty being borne by the grantee. They concur, therefore, in the view expressed by the Collector.

(True copies and extract.)

(Signed) C. A. GALTON,  
Acting Sub-Secretary.

No. 1286.

From C. A. GALTON, Esq., Acting Sub-Secretary to the Board of Revenue, to T. WEIR, Esq., Acting Registrar High Court, Appellate Side.

SIR,—I am directed to request that you will lay the accompanying Proceedings of the Board, in which they have stated a case under Section 41, Act XVIII of 1869, before the Honorable the Chief Justice and the Judges of the High Court.

I have the honor to be,  
Sir,

Your most obedient servant,  
(Signed) C. A. GALTON,  
Acting Sub-Secretary.

REVENUE BOARD OFFICE,  
MADRAS, 14th May 1875.]

No. 2420.

*Proceedings of the Board of Revenue, dated 27th August 1874.*

Read the following letters:—

From J. HUNTER-BLAIR, Esq., Collector of Madras, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 27th July 1874, No. 163.

I have the honor to submit, for the orders of the Board of Revenue,  
\* Letter dated 20th copy of a letter\* from July 1874, No. 1008. the Deputy Collector of Madras, inquiring whether sale certificates for lands sold for arrears of revenue require to be stamped under Act XVIII of 1869.

2. In their Proceedings dated 14th October 1870, No. 6121, the Board declared these certificates to be exempt from stamp-duty under Article 15, Section 15 of the above Act. I doubt, however, if this ruling is correct. The article referred to is limited in application, and refers only to those cases where but for

the exemption Government would have had to pay the stamp-duty. In the case of the sale certificates which fall under the head "conveyances," the parties liable to furnish the stamp-paper are the persons in whose favor they are executed, and not Government (*vide* Clause 4, Section 6 of the Act). I therefore think that the exemption does not apply.

3. If the Board concur with me, all the certificates issued subsequent to 1st January 1870, the date on which the General Stamp Act came into force, will have to be called in and stamped as in the case of the quit-rent indentures under G. O. dated 1st May 1874, No. 522, Revenue Department.

#### ENCLOSURE NO. 1.

From R. RAGOONATHA ROW, Deputy Collector, to J. HUNTER-BLAIR, Esq., Collector of Madras, dated 20th July 1874, No. 1008.

In their Order No. 522, dated 1st May last, the Madras Government, on reviewing their Proceedings of 17th March last, No. 353, having decided that all deeds, instruments or writings made by or on behalf of Government should bear a stamp-duty, I have the honor to request your instructions as to the mode in which the instructions are to be carried out with reference to the sale certificates granted to parties for lands purchased by them in auction held by Government for arrears of revenue. Heretofore these instruments were exempt from stamp-duty under orders of Board of Revenue No. 260—6121, dated 14th October 1870. I beg to request that you will inform me if this ruling of the Board is still in force, and if not, whether these certificates are to be impressed at the Stamp Superintendent's Office, and whether before or subsequent to the affixing of signature by the Collector.

(True copy.)  
(Signed) J. HUNTER-BLAIR,  
Collector.

From W. S. FOSTER, Esq., Acting Collector of the Godaverry District, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Cocanada, 20th July 1874, No. 257.

In their Proceedings of the 14th October 1870, No. 6121, the Board concurred in the opinion of the Collector of Madura in thinking that certificates of sale issued under Section 38 of Act II of 1864, fall under exemption 15 in Section 15 of the General Stamp Act No. XVIII of 1869, and they have accordingly cancelled Standing Circular Order No. 19 of 1869, which provided that such certificates must be stamped, and the expense borne by the purchasers.

2. From the Board's Proceedings of the 15th April last, No. 885, it appears that certain documents executed by, or on behalf of Government, are liable to stamp duty, the stamp thereon being payable by the grantees. I request the Board's instructions as to whether certificates of sale under Act II of 1864 should be drawn on stamped papers.

A reference to the form of sale certificates issued under Section 58, Act II of 1864 (form No. 8, page 283, Board's Standing Orders) shows that such documents are not conveyances as defined by the General Stamp Act.

3. The Board are of opinion that the expense of providing the stamp duty leviable thereon, if any, would devolve upon the Government under Section 6, and that such certificates are, therefore, exempt under Clause 15, Section 15 of the Act.

(True copies and extract.)

(Signed) C. A. GALTON,  
Acting Sub-Secretary.

*Judgment of High Court:—19th October 1875.*

Certificates of sale, issued under Sections 35 and 40 of Act VIII of 1865, cannot, we think, be regarded as conveyances subject to the stamp duty.

The certificate under Section 259 of the Code of Civil Procedure has, by virtue of the express provisions of that section, the effect of an instrument of transfer or conveyance. In the absence of any such provisions, a certificate under the Act of 1865, of the fact of sale and other matters therein mentioned, cannot be converted into a conveyance.

### HIGH COURT—BOMBAY.

[Appellate Civil Jurisdiction.]

WEST AND PINHEY, JJ.

*Civil Procedure Code, Sec. 15—Declaratory Decree—Consequential relief—Act XI of 1843—Patil—Suit for declaration of plaintiff's eligibility to the office of Patil.*

Where a plaintiff sued for a declaration of his eligibility to the office of Patil, if elected under the provisions of Act XI of 1843, he having been obliged to sue to establish his eligibility in consequence of the defendant's

persistent denial of the plaintiff's claim to such eligibility, whereby the revenue authorities were induced to refuse to recognise it:

HELD, that the suit was cognisable by a Civil Court.

HELD also, that such a suit would lie, even when the object of it was only to enable the plaintiff to influence the revenue authorities by showing that the Civil Court had declared him eligible for office as Patil.

*Abaji Sankroji v. Niloji Balaji* (2, Bom. H. C. Rep., 342) and *Yesaji Apaji v. Yesaji Mhalozi* (8, Bom. H. C. Rep., A. C. J., 35) distinguished.

S. A. 218 of 1874.

*Ningangavda Patil v. Satyangavda Patil.*\*

This was a special appeal from the decision of N. Daniell, Acting Judge at Dharwar, reversing the decree of Shrinivas Krishna, Subordinate Judge of Gadak.

This suit was instituted by Ningangavda for the purpose of establishing his right to officiate as *Patil* of the village of Kurhatti. He alleged that he, the defendant Satyangavda, and one Makangavda were full brothers, and that they each had a right to officiate as *Patil* in turn, but that in 1869 the defendant took objection to the plaintiff's right so to officiate, in consequence of which objection the revenue authorities refused to recognise his claim to the *Patilship*. The defence chiefly was the denial of the plaintiff's right to the *Patilship*, and that the action could not be maintained in the Civil Court, as the power to nominate to the office of *Patil* when not exercised by the sharers, was vested absolutely in the Collector. The Subordinate Judge, Rav Saheb Shrinivas Krishna, held the plaintiff's claim proved, and declared him entitled to officiate as *Patil*, as prayed for. In appeal, however, that decision was reversed by Mr. Daniell, on the preliminary ground that such an action was not maintainable in the Civil Court.

He observed:—

"The first point for decision is:—Has this Court or the lower Court jurisdiction in this matter? This action is for a declaratory decree that the plaintiff is entitled to officiate as *Patil* of his village, and the Vakil for the respondent (plaintiff) represents that the consequential relief derivable from the decree sought will be a revision by the revenue authorities of their order refusing to recognise his right. It is not disputed by the appellant (defendant) that the respondent is a sharer in the *watan*,

\* "Republished from XI, Madras Jurist, p. 15."—  
ED. R. R.

although there is a denial that he has a right by origin to a specific share in the property, according to the appellant and other near relatives, the respondent having been adopted by a distant member of the family, whose share is less than the share of the appellant. \* \* \* The Collector's order is Exhibit No. 50 in evidence; from it I gather that the Collector rejects the respondent's claim to officiate, not on the ground that he does not belong to the *watandar* family, but on the ground that he has never officiated. \* \* \* I cannot see that any consequential relief can accrue upon a decree in accordance with the plaint. The *Vukeel* for the respondent wishes me to try and decide the question of adoption, but this is not a question at issue as affecting the title to officiate, and I must decline to entertain it. I must follow the rulings in *Yesaji Apaji v. Yesaji Mhalji*\* and *Abaji v. Niloji*.† Were the suit to establish a right to share in the *watan* which had been ignored, consequential relief might follow a favourable award; but it has never been denied that the respondent is a sharer, and any decision of mine according to the terms of the plaint would not advance the respondent's claim to officiate. I must decide on the issue that this Court and the lower Court have not jurisdiction. The decree of the lower Court is reversed, and the claim is dismissed with costs."

The special appeal was argued before West and Pinhey, J. J., on the 16th November 1874.

*Janardhan Sakharam Gadgil* for the appellant:—The sole question is whether a Civil Court has jurisdiction in such a case. The cases cited by the District Court do not apply, as they relate only to *Vudil*, which is not recognised by Act XI of 1843. The right to sue for such a declaration as is now sought has been recognised by this Court:—R. A. No. 57 of 1871 (*Yellappagavda v. Ningava*), decided 13th March 1872, by Melvil and Kemball, J. J.;‡ R. A. No. 72 of 1871 (*Nun-*

\* 8 Bom. H. C. Rep. A. C. J. 35. † 2 *Idem*, 342.

‡ The following extracts from the judgment of the Court bear on the point:—

"It is proved, and is, indeed, admitted, that the plaintiff is an equal sharer with the first defendant, and there is nothing in the evidence to rebut the presumption arising from this equality, or to prove the first defendant's exclusive right to officiate. It appears that until recently the *Inamdar* appointed any sharer in the *watan* who paid him the highest *nazarana*. Under this system, the plaintiff has occasionally been appointed. There is, therefore, no proof of any recognised family custom, by virtue of which the elder branch of the family has alone officiated.

"We think that the plaintiff should have a declaratory decree that the first defendant's branch of the family has not any exclusive right to officiate, and that the plaintiff is entitled, as an equal sharer with the

*gangavda v. Malapagavda*), decided 17th June 1872 by Lloyd and Kemball, J. J.;\* R. A. No. 73 of 1871 (*Venktesh v. Shivasangappa*), decided 24th June 1872, by Lloyd and Kemball, J. J.;† and R. A. No. 74 of 1873 (*Hanmantgavda v. Mhivangavda*), decided 21st September 1874, by West and Nanabhai Haridas, J. J.‡

[West, J., referred to *Sadat Alikhan v. Khajeh Abdul Gani*.]§

*Shivshankar Govindram* for the respondent:—The decisions cited for the plaintiff were passed before Act XXIII of 1871 came into operation.

first defendant, to any privileges which Act XI of 1873, or any other Act defining the rights of sharers in such *watans*, confers upon the sharers, including the right to officiate as *Patil* if duly appointed. We cannot give him a more definite decree than this, for we cannot compel the Collector to recognise the nomination of the plaintiff by the sharers, should such nomination be made, nor to appoint him if the sharers should make no nomination."

\* The part of the judgment bearing on the question is as follows:—

"With respect to the second issue, it has been found by the lower Court that the plaintiff is entitled to an eight annas' share of the *watan*, and this finding is not now questioned, and as the right to officiate as *Patil* naturally appertains to the *watan*, and it has not been shown that the first defendant enjoys any special privilege to officiate in perpetuity to the exclusion of other sharers, we consider that we are justified in granting the declaratory order sought for, though it is not the province of this Court in any way to control the power of appointment which the Collector possesses under Act XI of 1843."

† The material part of the judgment is the following:—

"It is not denied that the plaintiff is in possession of the lands appertaining to the *Patilship*, and as the right to officiate as *Patil* is incidental to the possession of the *watan*, and the defendant has failed to show any exclusive right to officiate in the office, he is, we find, entitled to the declaratory decree sought for, and we, therefore, reverse the decree of the Court below, and declare the plaintiff entitled to officiate as *Patil*, though this decree will not in any way affect the power of the Collector under Act XI of 1843."

‡ The following is the judgment:—

West, J.:—The position of the plaintiff as a member of a *watandar* family is admitted. The presumption with reference to such a family is that all the members of all the branches have a right to their turns of office in succession. This presumption in the present case is not rebutted by the long tenure of office by the father of defendant No. 1, because such a tenure of office was not inconsistent with the right of the plaintiff's branch to take the duties in their turn. It is not proved that the office descended even for one generation exclusively in the branch to which defendant No. 1 belongs: all that appears is that he has come in after his father, and his succession is disputed. The selection of his father by the then *Inamdar* in 1817 proves nothing in favour of an exclusive right confined to his branch: it was quite consistent with the existence of those rights diffused throughout the family, which generally subsisted, and which the British Government made the basis of the arrangements provided for by Act XI of 1843. We, therefore, confirm the decree of the Assistant Judge with costs."

§ 11 Beng. L. Rep. 227 (P. C.)

Sections 3 and 4 of that Act prevent suits such as this being entertained.

PINHEY, J.:—We are of opinion that the District Court was in error in refusing to consider this claim on its merits on the ground that the Civil Court has no jurisdiction over the subject-matter of this suit. The cases cited by the District Court in support of its judgment, *Abaji Sankroji Bhonsle v. Niloji Balaji Bhonsle\** and *Yessoji Apaji Patil v. Yessoji Mhalojeit* are not in point. In both these suits the plaintiffs sought to be declared *Vadil*, or elder among the holders of a *Patliki watan*, but as the position of *Vadil* amongst *watandars* is not recognized by Act XI of 1843, and, therefore, a declaration by the Court as to who is *Vadil* among a family of *watandar Patil* would not in any way entitle a person to claim the office of *Patil* to the exclusion of other members of the family, nor even establish any preference in his favour, the Court, in both the cases cited, declared that the claim would not lie, as upon such declaration no consequential relief could be given. The ground of the decision, so far as the claim was brought for the purpose of influencing the Collector, is very particularly noticed in the earlier of the two cases, that in the 2nd volume.

The claim of the plaintiff in the present case is altogether different. In this case, the plaintiff seeks to get a decree, declaring his eligibility to the office of *Patil*, if elected under the provisions of Act XI of 1843; and he has been obliged to sue to establish his eligibility, because his claim to be eligible has been persistently denied by the defendant, and the objections taken by the defendant have induced the revenue authorities to refuse to recognize his eligibility. That such a suit is cognizable by a Civil Court has been repeatedly recognized by the decisions of this Court (it is only necessary to refer to Special Appeal 57 of 1871, decided 13th March 1872, and Regular Appeal 73 of 1871, decided 24th June 1872, and Regular Appeal 74 of 1873, decided 21st September 1874); and that such a suit will lie, even when the object of it is only to enable the plaintiff to influence the revenue authorities by showing that he has been declared by the Civil Court eligible for office as *Patil*, is further supported by the remarks made by their lordships of the Privy Council in *Sadat Ali Khan v. Khajeh Abdul Gani*.

We, therefore, reverse the decree of the District Court, and remand the case to the District Court for retrial on its merits. Costs to follow the final decision.

*Decree reversed and case remanded.*

—Bombay High Court Reports, Vol. XI, p. 232.

\* 2 Bom. H. C. Rep. 342.

† 8 Idem, A. C. J. 35.

## HER MAJESTY'S PRIVY COUNCIL.

### [OUDH CASE.]

*Mortgage—Sub-mortgage—Original mortgagor's right to redeem.*

*A* mortgaged a taluka to *B*. *B* died, and *C*, his widow, sub-mortgaged it to *D*. The original mortgage was of an usufructory nature, and contained a clause giving *A* power to redeem. The question was whether *D*, who was in possession, claimed under *B*, or as a stranger. The evidence went to show that the alleged sub-mortgage was a fact, and *D* did not prove that he obtained possession in any other way.

HELD, that *D* had asserted, but not proved, his title under *B*; and that *A* had a right to redeem the taluka; the usufruct of the land being set off against the interest paid.

Judgment of the Lords of the Judicial Committee of the Privy Council on the appeal of *Rajah Ameer Hussun Khan v. Mukhdoom Singh* and others, from the Court of the Judicial Commissioner of Oudh, delivered 25th June 1875.

*Present.*

SIR JAMES W. COLVILE.

SIR BARNES PEACOCK.

SIR MONTAGUE E. SMITH.

SIR ROBERT P. COLLIER.

THIS is an appeal from a decision of the Judicial Commissioner of Oudh, which affirmed the judgments of the Assistant Commissioner, and of the Officiating Commissioner who heard the case on appeal from the Assistant Commissioner.

The suit was brought by Mukhdoom Singh, Mohun Singh, and Esree Singh against the Rajah Ameer Hussun Khan to redeem taluka Rawapoor, which they alleged had been mortgaged to one Oomrao Singh for Rupees 3,067, and after his death had got into the possession of the Rajah Nawab Ali Khan in consequence of a sub-mortgage from the widow of Oomrao Singh. The defendant (the present appellant) is the son of the Rajah Nawab Ali Khan, and his case appears to be that the Rajah was in possession from a period prior to the settlement in 1858; that in that year he was admitted as talukdar to the taluk, and he claims to hold it free of any claim on the part of the original mortgagors.

That the respondent, Mohun Singh, was entitled to the taluk, and mortgaged it to Oomrao

Singh, is not disputed in the present appeal, nor was it disputed in the Courts below. The mortgage made to Oomrao Singh is of the English date of July 1846. It is a usfructuary mortgage of a very formal and precise kind, and states that Mohun Singh, the son of Purtab Singh, mortgaged the taluk to Thakoor Oomrao Singh for the sum of Rupees 3,067, and fixes the amount of interest at "Rupees three and two annas per cent. per month." The mortgage also states that possession had been delivered to the mortgagee, and it contains this clause:—"I moreover agree that whenever I be disposed to redeem, I engage to repay every fraction of a pie of the principal and interest in a lump sum, at the time when crops are not standing on the ground, at the end (fallow portion of the agricultural year) of the month of Jeith, "and then have the estate redeemed."

It appears to be clear that the mortgagee, Oomrao Singh, was put into possession. It is admitted that, as against Oomrao Singh, the right to redeem has been in no way foreclosed or barred, and the question, and the only question in this case, upon the merits, is whether the Rajah Nawab Ali Khan came in under the mortgagee's title, or whether he came in as a stranger to it, so that he can hold the estate by virtue of title or possession against both the mortgagor and the original mortgagee. The Assistant Commissioner and the Officiating Commissioner have found as a fact that there was a sub-mortgage from the widow of Oomrao Singh to Rajah Nawab Ali. It is said that they have found this fact upon insufficient evidence. Undoubtedly the evidence is slight, but upon a review of it, and giving full weight to the considerations which have been presented by the learned counsel for the appellant, their lordships think that there is enough, in the absence of the proof which might have been expected from the defendant, to show that he did obtain possession in some way under the original mortgagee, either by a sub-mortgage, or by some arrangement with the widow of Oomrao Singh.

That the claim to treat the Rajah as a mortgagee was not put forward for the first time after the settlement, is clear from a petition, dated the 12th June 1856, of Mohun Singh. "After the usual petitionary address the petitioner states that the estate of Rawapoor, &c., the petitioner's ancestral landed property, was mortgaged to Rajah Nawab Ali Khan, and at the time the settlement was in progress"—that is, the settlement before the mutiny—"the Court ordered the petitioner to arrange for the payment of the redemption money." That, of course, is no evidence that there was such a mortgage; but it is proof that the case upon which the plaintiffs now rely was put forward at this early period. The petition, no doubt, does not state that the mortgage was

to Oomrao Singh, and that by sub-mortgage the land got into the possession of Nawab Ali Khan; but it sufficiently shows that it was then contended that in some way the Rajah held as mortgagee.

In the present suit the evidence consisted of two depositions of witnesses given at the time of the settlement, and of the evidence of one of the plaintiffs. The deposition of Amjud Ali, who was the vakeel of the Rajah Nawab Ali Khan at the settlement, has been mainly relied on by the Courts below. It seems that the Rajah was at that time a minor, and that his estate was under the care of the Commissioner. This deposition has the character of a statement of claim on the part of the minor Rajah; and treating it in that way, it certainly affords evidence that at that time the claim of the Rajah to a settlement was put on the ground that he was mortgagee. The statement in the deposition is this:—"The villages of Koom-burya and Mahurya were mortgaged by Hoolas and Moonno Singh to Oomrao Singh, Talukdar of Rihar, whose widow, after his death either in 1254 or 1255 Fusly, re-mortgaged them, along with the taluka of Rawapoor, to my master. The deed of mortgage is in my possession, and the amount is therein mentioned. I do not remember the exact amount; and ever since the re-mortgage we have continued in possession." The Rajah was in possession. The vakeel had to account for his possession, and this is the statement which he gives, and upon which it appears that action was taken; for in 1264 Fusly, according to this man's statement, the lease was executed in favour of the Rajah. There is a deposition of Duryao Singh, Canoongee of Tehsil Biswan, to the same effect; but that cannot be regarded as legitimate evidence, because it is not shown that the man was dead, and he certainly did not stand in the relation of agent to the Rajah.

Then there is the positive evidence of one of the plaintiffs who was examined in the present suit, Esree Singh, who is the grandson of Mohun Singh. He says:—"In 1254 Fusly Mohun Singh mortgaged the estate in question to Oomrao Singh for 3,067 Rupees. One year after the date of the mortgage he died. He was Talukdar of Rihar. His widow mortgaged it to Rajah Nawab Ali Khan for 5,200 Rupees in 1256 Fusly. Ever since, up to the annexation, he held. No term for redemption was fixed."

The original mortgage being beyond dispute, and there being this evidence that the Rajah held under a sub-mortgage, an answer was certainly called for on the part of the Rajah; and the answer he gives appears to be entirely unsatisfactory. He does not rely upon mere possession, and say, I got in as a trespasser, and

am entitled to hold the taluk by virtue of possession and protected by the Statute of Limitations; but he sets up an affirmative title that the chukladar leased it to him, and he has entirely failed to prove that title. He has asserted, but has not proved it. Their lordships think therefore that, under the circumstances, they cannot say that the two Commissioners, who found the facts, were wrong in coming to the conclusion that the Rajah did hold the taluk by some title derived from the original mortgagee; and, that being so, they think that the judgment of the Judicial Commissioner upon the main question should be supported. Mr. Capper, the Judicial Commissioner, who first heard the special appeal, differed from the Commissioners below, thinking the evidence was insufficient; but upon review, Mr. Currie came to the opposite conclusion. Therefore three Commissioners in Oudh have thought that this evidence was sufficient.

What has just been said disposes of the main question in the case.

Then another question arises, whether the decree of the Judicial Commissioner should stand with respect to the interest. It is immaterial to inquire whether the Judicial Commissioner had power to vary the decree of the officiating Commissioner in the way he has done, since their lordships have the whole record before them upon general appeal, and may direct the right order, if this be not the right one. Upon the construction of the original mortgage to Oomrao Singh, which must govern this question, it appears to them that the usufruct was to be set against the interest, and that it was not the intention of the parties that the mortgagee should have both the usufruct of the property and be paid interest at the stipulated rate of 43 per cent. from the time of the mortgage down to the period of redemption. It would require very clear words to induce their lordships to put such a construction upon the deed. (See on this point a judgment of this tribunal, *Seth Seetaram and another against Argoon Singh*, delivered on the 19th February 1874.) If it had been shown that the usufruct would not have amounted to the stipulated interest, other questions would have arisen, and possibly an account might have been decreed; but Mr. Cowie, on the part of the appellant, has exercised a wise discretion in desiring that the matter should remain, if their lordships were of opinion that he was not entitled both to the interest and the usufruct, where the Judicial Commissioner has placed it, so far as this claim to interest is concerned.

In the result their lordships will humbly advise Her Majesty to affirm the decree appealed from, and to dismiss this appeal, with costs.

## CIRCULAR ORDER OF THE BOARD OF REVENUE.

### No. XXI.

STANDING NO. 230-4.

#### DESTRUCTION OF SPOILT STAMPS.

*Proceedings of the Board of Revenue, dated 29th November 1875, No. 3,240.*

STANDING ORDER No. XXXIII of 1874 is hereby cancelled, and Standing Order No. II of 1874 revived. The procedure prescribed by the latter order in regard to the destruction of spoilt stamps should be strictly observed.

## OFFICIAL PAPER.

#### SALT CULTURE IN THE SOUTH OF FRANCE.

*Proceedings of the Madras Government, Revenue Department, 25th September 1875.*

Read the following Proceedings of the Board of Revenue, dated 30th June 1875, No. 1804:—

Read the following letter from Surgeon J. J. L. RATTON, M.D., Madras Army, to C. A. GALTON, Esq., Acting Sub-Secretary to the Board of Revenue, dated Madras, 4th March 1875.

I HAVE the honor to inform you that, pursuant to instructions contained in the Proceedings of the Madras Government, Revenue Department, dated 30th October 1874, received by me on the 28th December, I went to the India Office on the 31st December to make inquiries, and applied also, by letter on the same date, to the Under-Secretary of State for India for the credentials to enable me to visit with facility the salt manufactures in the south of France.'

2. I found on inquiry at the India Office that no previous intimation had been received there on the subject of my visit, and that it would take more than a week to obtain the necessary credentials from France. Under the circumstances, although my privilege leave would not expire until the 31st January, and although in any case the time of my departure had not yet arrived, I determined to proceed at once to the south of France, and commence work either with or without the credentials as best I could. The brief interval at my disposal to visit the salt-pans and travel to India before the 28th February seemed to me to necessitate prompt action. I left London, therefore, on

the morning of the 3rd January, and making inquiries by the way, reached Montpellier, the head-quarters of the salt manufacturing industry on the Mediterranean Coast, on the 7th January. Soon after my arrival, I applied personally to M. Mion, Representative of the *Compagnie des Salins du Midi Société Anonyme*, proprietors of the most extensive and best conducted of the salt concerns on the south coast of France, and from him learnt as follows :—

3. The French Government do not make their own or any salt. There are a large number of salt manufactories on the Mediterranean Coast, and a yet larger number of small ones on the Biscayan Coast, possessed by individuals or by companies as private property. These make as much salt as they can without restriction or interference on the part of Government, but, for every ton of salt they sell in France, they have to pay the Government a *droit* or tax of one hundred francs. To ensure the due collection of the tax, Government requires that the salt-pans be arranged and the salt stored in a manner to enable the Customs officers effectually to guard against smuggling and fraud. The Government itself maintains a guard of *Douaniers* at the pans, whose duty it is, as in India, to prevent contraband, and to weigh or assist at the weighing of all salt delivered for home or inland consumption, and observe the amount. The tax is collected accordingly. It is interesting to note that these Customs officials are chosen from the army; that none but soldiers who have received a good conduct badge are eligible; and that the rate of pay in the Customs Department is higher than in the army. No tax is levied on export salt.

4. Having ascertained that the French Government had nothing to do with the actual conduct of salt manufacture in France, I commenced my inquiries at once, without hesitation, without the credentials. I represented the matter to M. Mion, to whose great courtesy I here very thankfully testify my indebtedness, and was told by him, in reply, that he would do everything in his power to facilitate my work. In fact, a day was appointed for visiting the salt-works of Le Perrier and Aigues Mortes, adjoining manufactories situated about two hours' railway journey from Montpellier, and on the 11th January, as agreed on, accompanied by M. Mion, junior, from the office, M. Alfred Gervais, Chief Inspecting Engineer, and M. Espinaski, Engineer in charge of the works, I went down to Aigues Mortes. I must here return my best thanks to these gentlemen for their undeviating kindness and solicitous attention to afford me every information during the two days, the greater part of which they were good enough to spend with me plodding through the salt-pans.

5. Before alluding further to Aigues Mortes, I will sketch the arrangement of this report.

First, I may mention that I had no difficulty whatever in visiting the French salt-works, except the difficulty of finding them out and getting at them in out-of-the-way localities. M. Mion very kindly gave me letters of recommendation to the agents in charge of the other important stations belonging to his company, and at those salt-works belonging to private individuals that I visited, I encountered always the most obliging civility. I will first name the salt-works that I visited, with dates and a few brief remarks concerning their position and importance, without describing them in detail, as they are so much alike that their several descriptions would be neither useful nor interesting. Then I will describe the French system of salt manufacture as a whole. Afterwards, I will take up each part of the manufacturing arrangements, and examine, in detail, into its uses, construction, &c. Finally, I will compare the French system with ours, and suggest such improvements in our method as the comparison may seem to indicate.

6. The adjoining salt-works of Le Perrier and Peccais, the latter commonly called Aigues Mortes, are situated close by the Mediterranean, at the southern edge of the Department Gard; they were visited by me on the 11th and 12th January. Both of these works are situated on a sandy portion of the Mediterranean shore, which is lower than the sea-level on an average by eighteen inches. They are surrounded by embankments, about six feet in height, both to protect them from the not infrequent risings of the Rhone and from the sea; for although the sea is tideless, its water-level often mounts two feet or more on this coast during the prevalence of westerly and southerly gales. The extent of embankment may be inferred from the fact that Le Perrier occupies a surface of 293 acres, and that the Aigues Mortes salt-works extend uninterruptedly over a belt of ground ten miles long by four broad on the average. Seawater, which here on the Mediterranean Coast has a density equal to 3·5° Beaumé, is brought to the pans in a large navigable canal nine feet in depth at the works, and usually about twelve feet deep on the bar. Its depth varies; but it is not liable to be blocked up with sand or flooded with fresh water. The same canal, where it enters the works, is furnished with a lock, the top of which is flush with the embankments, partly to regulate the admission of water and partly to keep out floods. Subsoil brine marking 12° Beaumé is found abundantly at about three feet from the surface, but is not made use of in salt manufacture. Fresh water, for the use of the work-people, &c., is obtained at a depth of 150 feet, and brought to the surface by means of Artesian wells. It was ascertained, when sinking these wells, that the soil on which the pans rest is pure sand to a depth of forty yards. About fifty Customs

officials at ten different points or stations patrol and guard these works. They are the most important salt-works in the south of France.

7. On the 16th of January I visited the salt-pans of Le Berre about fifty miles north-east of Marseilles in the Department Bouches-du-Rhone. These works are situated on a sandy promontory on the north or mainland side of the Etang-du-Berre. The Etang-du-Berre is an enormous shallow estuary, occupying a surface of 143 square miles, formed by two mountain ranges which run out from the mainland about twenty miles, inclining towards each other in their course, so as to form a semi-circular sea-basin girt in by hills; the hills do not meet, however, but leave an opening or sea-gate between them, so small as to be invisible from the shore. Numerous streams and rivers, the mouths of the Rhone, discharge into this estuary; its outlet being small as described, it follows that the water must be weak; in fact, it never exceeds 2° Beaumé in strength. The works are at a lower level than the sea; they are surrounded by embankments to prevent inundation, and water flows into them naturally from the lake through canals provided with sluice-gates. There are a great number of salt manufactories round the lake, of which those called Le Berre are the most extensive. They are five miles long by about three miles broad, and are probably the most important works in Provence; the manager, who showed me round these pans, obtained a Silver Medal for salt at the Paris Exhibition of 1856. He gave me some specimens of the identical salt which gained the prize, which I have much pleasure in forwarding to the Board. It is hard, firm, heavy, dry, translucent, and rings with a metallic sound.

8. On the 19th January, I visited the salt-works known as Les Vieux Salins d'Hyères, belonging to the Compagnie du Midi in the Department Var. These works are seven or eight miles in circumference, and are about the largest in the department. As usual, they are on sandy soil below the sea-level, and surrounded by protecting embankments. The embankments are raised to keep out sea incursions, no fresh water inundations being to be feared here as in the neighbourhood of the Rhone. Sea-water, averaging 3·5° Beaumé in density, flows naturally to the pans through canals cut from the sea at different points. A navigable canal traverses the works: there is good anchorage for shipping in the vicinity, and they enjoy perhaps the largest share of the salt export trade in the province.

9. On the 21st January, I visited the Salins des Pêcheurs or Salins Neuf; Compagnie de M. Girard, on the Toulon or west side of the last station, and about seven miles from Toulon. This is also an extensive and important salt manufactory, chiefly engaged in the export

trade. I had cause to admire here the extent and completeness of the mechanical arrangements for facilitating salt transport and storage, the position of the crystallising beds with reference to the platforms, the construction of the latter, the use of tramways, piers, &c. When describing these parts of the French system, I will keep the Salins Neuf before me as a model. In other respects these pans do not differ in any way from those last mentioned.

10. On the 26th January, I visited the salt-pans of Martigues, Bouches-du-Rhone, about two hours' railway journey from Marseilles. There are numerous salt-works scattered round Martigues on the borders of creeks running towards the Etang-du-Berre. They are comparatively small and possess no features of special interest. The one which I examined most attentively belonged to M. Joseph Dol. It resembles in all respects those already noticed.

11. On the 27th January, in consequence of information I received from a salt trader at Marseilles, I visited the salt-pans of Le Fos, rather inaccessibly situated on the sea or outer edge of the eastern chain of hills enclosing the Etang-du-Berre. I was informed that the best salt obtainable in France was made there. When I arrived, I found workmen busily employed in removing a thick incrustation of calcic sulphate from the condenser's floors, preparatory to commencing manufacture. The manager, who accompanied me, kindly presented me with a fragment of the crystalline gypsum so removed. He also gave me a specimen of salt manufactured the previous year. These specimens are herewith forwarded to the Board. I could discover no reason why salt should be made better here than elsewhere, unless it be owing to the fact which I noticed, that there is less sand and more clay in the soil here than at the other stations I visited. This is the last station that I had time to visit, as I left Marseilles for Madras on the 31st January. At no station had I an opportunity of seeing manufacturing operations actually in progress.

12. A French saline, such as I have seen it and heard it described, consists essentially of a large tract of waste shore-land, fifteen to twenty square miles in area, at a lower level than the neighbouring sea, protected from inundation and cultivated for salt. The salt-pans are divided into *Partie Extérieur*, *Partie Intérieur*, *Avant Pièces*, *Tables Salant*, and Reservoirs, which I will call for the future in this report, outer condensers, inner condensers, finishing condensers, crystallising or salt-beds, and reservoirs, respectively. There are also platforms, &c., which need not be noticed as yet. The condensers and reservoirs occupy 78 per cent. of the evaporating surface, the salt-bed the remaining 22 per cent. A canal brings brin

from the sea or estuary, as the case may be, to the works, and first to the outer condensers, into which it flows naturally, as they are at a lower level than the sea. At the commencement of manufacture brine is retained, spread out in a thin sheet in the first system of condensers for seven or eight days, until it reaches  $8^{\circ}$  Beaumé in strength. It is then passed into the inner condensers, generally also by natural gravitation. Here the brine, still spread out shallowly, is allowed to evaporate until it reaches about  $18^{\circ}$  Beaumé. Then it is pumped up to the finishing condensers, and is passed slowly from one to another of these until it reaches the salt-beds, its passage being so regulated that it shall mark  $25^{\circ}$  Beaumé by that time. These preliminaries take about fifteen days. The brine from the finishing condensers is allowed to gravitate into the salt-beds, which are filled to a depth of about ten inches, and are replenished from time to time during salt formation with additional brine, so as to secure that its strength shall not at any time exceed  $29^{\circ}$  Beaumé. This continues until a bed of salt about two inches in thickness has formed, when the bitters are drawn off for the supply of some less advanced bed, and the salt is collected by means of wooden shovels in the dry state. The whole duration of manufacture from first to last is about five months, that is, from April to August or September. The time allowed for salt crystallisation on the beds is three months.

13. The condensers are not arranged in concentric circles surrounding the salt-beds, nor in regular progression towards them, as might perhaps be supposed from their names and the foregoing description. Such an arrangement is seldom or never practicable without going to great expense. Simply natural undulations of ground are made use of in salt manufacture in the best way that their circumstances will allow. A site possessing the requisite qualifications having been selected, a large portion of it, and that at the highest level, is apportioned off to the outer condensers. As alluvial deposits or silted sands have a slope in one direction or another, and the outer condensers extend over two or three linear miles of ground, the whole of the tract that they comprise is never at the same level. They are divided, therefore, by cross bunds into communicating compartments, and sea-water is admitted first into that which is at the highest level, and thence flows to the lowest. If the conformation or slope of the ground will allow of it, as it often does, the inner condensers, which also occupy a large tract of ground, begin where the outer end. They are also divided into compartments through which the brine flows from the highest to the lowest. Arrived at the lowest inner condenser after winding

about from the sea, from one compartment to another, a long sinuous tract in which every variation in level has been taken advantage of, the brine has usually reached the lowest level in the whole saline or salt-work. From here, then, it is pumped up to the first compartment of the smaller system of finishing condensers, probably at the same level or at a higher level than the first outer condenser, whence it gravitates to the last compartment, and so on to the salt-beds which are on a slope, so that the brine can flow from one to another from first to last, or, by means of a channel, can pass by nearer beds and fill those farther off. Sometimes the brine has to be pumped up from the last outer to the first inner condenser, and sometimes, though not so often, as these two parts together occupy a comparatively small space, from the last finishing condenser to the first salt-bed.

14. The floors of the condensers are not prepared in any way, and after manufacturing operations have been once fairly started the flow of brine through their compartments is not much looked after, as the sluices being left open, just manage to supply daily the amount of brine removed by evaporation, so that uniformity is maintained without trouble. This can be arranged by a simple calculation. The brine that is left in the finishing condensers at the end of the season, called *virgin* brine, and I suppose also the strong brine in the last few inner condenser compartments, is pumped off to reservoirs at a high level, where it remains stored to a depth of three feet throughout the winter and until the commencement of the next manufacturing season, when it is, according to its strength, transferred to the inner condensers, finishing condensers, or salt-beds. At the salt stations I visited in January, this brine varied from  $15^{\circ}$  to  $22^{\circ}$  Beaumé in strength. At the end of the season the mother-liquors are got rid of by being drained off or pumped out to sea according to the level of the salt-beds. There is not that amount of mother-liquor to get rid of that might be supposed from the fact that brine is not ordinarily evaporated beyond  $29^{\circ}$  Beaumé, as it is customary to make a certain amount of a comparatively inferior description of salt, in separate tables, from "used brine" at  $29^{\circ}$  Beaumé. This salt, formed between  $29^{\circ}$  and  $32^{\circ}$  Beaumé, is in great demand for fish-curing and for the manufacture of soda, and is sold exclusively for those purposes.

15. One square yard of crystallising surface at an average salt station yields 110 lb. of salt in thirty days, but this must not be confounded with the mean produce of the salt-works per square yard. A cubic yard of the salt is said to weigh 168 lb. The salt when collected is stored on raised platforms as in India, and stacked in heaps of from 500 to 2,000 tons

each, covered usually with tiles. The cost of manufacture is nearer five than six francs a ton, and that includes everything to the completion of the heap, its covering, and maintenance of establishment. There is a permanent establishment of about 100 men and 60 mules at Aigues Mortes. The platforms are flanked by tramways or canals; when salt is sold, a heap is broken up, and the salt, tied up in sacks, is put on board boats or removed in waggons. I will recur to the weighing process afterwards.

16. *Embankments.*—The embankments surrounding the works at Aigues Mortes, Bouches-du-Rhone, are about six feet high, twenty-five yards across the base, and have six feet of pathway on top. At other stations the embankments are of less dimensions according to their wants. All were, when I examined them, covered with vegetation, although originally formed with sand, and this because clay had been brought and placed upon them; brushwood, &c. planted and encouraged to grow, turf engrafted, and every care taken to put and preserve them in good order.

17. *Canals.*—There are commonly two or three supply-canals cut from the sea at different points to bring brine to the outer condensers, of which again there may be more than one set according to the local conformation of the ground. One canal, at all events larger and deeper than the others, is navigable, and is so arranged as to facilitate locomotion and the transport of salt. These canals have their opening sometimes blocked up with sand, seaweed, &c., by the wind and waves as in India, but their maintenance is carefully attended to. They are provided with sluice-gates both to keep out the sea and floating debris, and are staked along their sides to keep the sand from falling in. Brushwood, reeds, &c. of a suitable kind are planted along their slopes to consolidate and preserve them. Boats are towed in the canals by mules, for whose use a tow-path is constructed at one side, and bridges are placed at different points of the canal to enable workmen, carts, mules, &c., to cross. These bridges are simply flat-bottomed boats, boarded over, and tied at each end with cords to a slightly projecting pier or staging, so that when one set of cords is let go the bridge swings to the opposite side, the side to which it is attached giving free passage to boats coming along the canal.

18. *Channels.*—From the main supplying canal, numerous channels branch off in every direction, running along the sides of the different systems of condensers and of the salt-beds, crossing each other frequently, sometimes by means of wooden aqueducts of the ordinary kind, sometimes by means of what are locally termed syphons according as they may be at the same or at different levels. A syphon here

means an underground wooden aqueduct, and is used when two channels at the same level meet at an angle, so that one may dip under the other and come to the surface again. These channels communicate with the condensers, &c., which at different points they can either supply or drain by means of wooden sluice-gates; they communicate with each other and with the main canal in the same way, and all have a *rendezvous* at the pumping station, which is the centre of operations for the whole salt-work. By means of these channels and a pump hereafter to be described, the manager can pump any one of the brine receptacles, by whatever name called, dry, or pump it full again with sea-water or brine from any part of the works without touching or interfering with any other part, save the two for the time being placed in communication. This is not a theoretical advantage; it is one of great practical utility, and is constantly made use of. At important points,—wherever, in fact, it is necessary,—the sluice-gates are set in masonry frames. Sometimes also, where two channels at the same level meet at a right angle, their point of intersection is made a waterway common to both by means of four sluice-gates,—a pair to each channel, one pair being closed, the other channel possesses the way and *vice versa*; but this arrangement is not practicable where both channels are important and in constant use.

19. *Condensers.*—The condensers,—outer, inner, and finishing,—have their sides staked and planted with brushwood to preserve them. They are but shallow sandy basins, and the brine stored in them seldom exceeds an average depth of three inches. The mean level of their floors is about eighteen inches below sea-level, but they seldom approach nearer to the sea than 100 yards, and extend away from it for miles. As before stated, their floors are not prepared in any way, and I think they must leak a good deal. The engineers say there can be no great leakage, because brine 12° Beaumé in density is found below the surface. Now it is a fact that brines of different densities being of different weights, will rest one upon another, and though transfusion or dialysis takes place, this is so slow a process as to be scarcely worth considering where the top layer of brine is constantly on the move. On the other hand, subsoil brine is not found immediately in contact with the condenser floors, but in the sand from one to three feet deeper, so that brine leaking into the stratum between the two must be removed, to a certain extent, by lateral drainage and ultimately lost, or effused into intersecting channels as may chance to be the case. And, again, the subsoil brine would, in any case, only protect the outer condensers from leakage. It would not protect those condensers containing brine at above 13° Beaumé, for, as the brine increases in density and in

weight, it would penetrate more readily through the sand, and sink unimpeded through the subsoil brine.

20. *Salt-beds.*—The position of the salt-beds in the works and their precise arrangement is not, for obvious reasons, uniform throughout the different stations, but they are always either clustered together in parallel rows and surrounded by platforms and tramways or canals, or they run in a long line along the borders of the navigable canal, separated from it by a platform. Each salt-bed is usually about 80 yards long by 40 yards broad. In the first instance, the beds are levelled with great care. At some places, overlooking the sea, an ingenious method of levelling is practised, which might be of use in India. It is based on the assumption that a line drawn from the horizon at sea to the level of the eye of a man stooping is horizontal, and it is so practically for the purpose of levelling a large salt-bed. Two sticks are cut four feet in length, and their ends planed at right angles to their length. When these two sticks provided with plumb lines are held vertically, one by the observer, and the other by his assistant a few yards nearer the sea end in the line of sight looking towards the horizon, if the observer looks over the upper edge of his stick at the horizon, the upper edge of the other stick will be just tangent to his line of vision, if the two sticks are on level ground. If the assistant's stick obstructs the view, it is on higher ground, and the portion of stick between its upper edge and the point where the horizon cuts across it, is a measure of the difference of level. If the assistant's stick is not tangent to the line of vision but below it, the observer is on higher ground, and he can measure the difference of level on his own stick by lowering his eye down along its side until the point is reached where his eye, the top of assistant's stick, and the horizon are in one line. The work-people fancy that this is as good a way of levelling the salt-beds as any, and it is admitted on all hands to be the quickest and simplest way of doing it. Besides being levelled, the floors of the salt-beds are well hardened by being trampled under foot by mules, and are rolled with stone-rollers drawn by two men at the beginning of each season. Strange to say they are not clayed, though brine at from 25° to 29° Beaumé must, I think, escape, to some extent, through a sand flooring, however well compressed. It is said that the larger and deeper these tables are, the better will be the salt. As a rule, they are from twelve to fifteen inches deep, and are boarded round the sides to keep the paths from falling in. Wooden sluice-gates at intervals give ingress and egress to the brine.

21. *Salt Collecting.*—When a cake of salt

about two inches in thickness has formed, the mother liquors are drained off from that bed, and the salt is collected in the dry state. The hardness of the floor allows of this being done without soiling the salt. A wooden shovel sometimes tipped with tin is used for this purpose. It is pushed under the salt, which is lifted up and heaped on one side in small mounds as clay might be, and left there to drain for eight or ten days. This is done by skilled laborers on the permanent establishment of the works. Afterwards, the salt is carried to the platforms and heaped by contract, as this part of the work being almost purely mechanical, there is no fear of injury being done through inferior or scamped work. Salt is removed from the pans to the heaps in wheel-barrows. Formerly, it was taken away in baskets as in India, but from experiments that have been lately made, it is found that barrows remove it quicker and more cheaply. Boards are laid down from the salt-mounds to the platforms to enable the barrows to travel with greater facility.

22. *Platforms.*—The platforms are long narrow raised causeways from five to six feet high, and about ten yards broad on top, flanking the salt-beds on one side and flanked by a navigable canal on the other. Some of them have a tiled flooring at the places marked out for salt-heaps, others are boarded, and others again are merely gravelled and rolled hard. On some the position of the salt-heap is indicated by a low stone-wall forming a three-sided enclosure, on others the same thing is indicated by a similar arrangement of boards. Finally, many of them are traversed by a tramway.

23. *Salt Storage.*—The great bulk of the salt made at the pans is stored in the masonry or wooden frames open at one end, mentioned in last paragraph, within which the salt is heaped up so as to exactly resemble, when covered, a long low-tiled cottage with gable ends. Formerly, reeds, rushes, and straw were used for covering the salt, but now they are discarded everywhere in favor of tiles, and the wastage which was formerly about 10 per cent has been reduced almost to nothing, besides the tiles keep the salt much cleaner. So cleanly is the salt removed from the pans and preserved on the platforms that it is taken at once from the heaps and ground down in mills, of which there are always one or two at each station, for table use, without further preparation. The tiles are two feet long by one foot broad, and are bent or curved at right angles to their length. They weigh 7 kilogrammes or 15·4 lb. English, and cost 90 francs a thousand or less than a penny, and not much more than half an Anna a piece. The number of tiles required is easily ascertained by calculation when the superficies to be covered is known. Table salt ready ground for use is

stored in godowns adjoining the mills. Salt for fish-curing and for the manufacture of soda is heaped coverless on the platforms.

24. *Salt.*—The salt-heaps that I examined were composed of salt very similar in appearance to that of Merkanum—a large number of firm lumps of salt made up of intercalated crystals scattered through the smaller debris of salt-cakes—but, on the other hand, the crystals were in every instance larger, firmer, cleaner, more translucent and dryer than those made in India. This salt is said to bear carriage with very little alteration or wastage. The table salt stored in the godown was perfectly white, dry, and finely ground, such salt, in fact, as one is accustomed to see on an English table.

25. *Weighment.*—When salt is going to be sold, a heap or as much of one as is wanted is untiled and attacked with picks and shovels at the open face of the enclosure and broken upright through, or as far as may be required. Two uprights support a beam, from which depends a pair of scales; in one scale is placed a weight of 100 kilogrammes or 220 lb. English; the other, funnel-shaped, holds the salt, and is of a size to hold 220 lb. and not much more. Salt is poured from baskets into the funnel, when the scales balance, a sack is held under the funnel, which again has a movable bottom, the bottom is let fall and the salt tumbles into a sack. A blow on the catch causes the bottom to fall, and it is replaced with equal facility. Ordinarily speaking, when a whole heap is being broken up, about twenty men are employed. Some with picks destroy the heap; others with shovels fill baskets; others carry the baskets to the weighing machine and weigh it; others fill the sacks and tie them up; and others carry the sacks on trucks either to the waggon or boat and arrange them on board. Not less than five men can do the work, and it has been ascertained that five men working in this way for six hours put twenty tons of salt away, or one man stows away on board a boat or tram-waggon four tons of salt in a day of six hours. It should be added that it is calculated that more would be done, only that the Customs officer who stands by keeping tally for Government, has the power, and frequently exercises it, of reweighing the salt. As no tax is levied on export salt, salt for exportation is not weighed, but sold by measure to save time; for, as it is always made in precisely the same way, there is a constant relation between weight and measure, which being once ascertained, the salt may be economically sold by measure. For this purpose, salt is shovelled into a great wooden box like an inverted pyramid with a wide base having a sliding bottom like the door of a sluice-gate; measures holding 220 lb. each are passed under the box and filled by withdrawing the slide a little;

they are then struck clean to the edge and emptied into sacks.

26. *Waste Products.*—A large quantity of calcic sulphate or gypsum is deposited year by year in the inner and finishing condensers, where it forms in time a mass of impacted lenticular crystals similar to, but smaller than those found under the salt pans at Chunampet near Merkanum. About every twenty years or so, this deposit has to be removed, as by its thickness and its liability to blister up off the soil, it diminishes the capacity of the condensers, and sometimes also their evaporating surface. Its removal is attended with some expense, which, as far as the gypsum is concerned, is a loss, as it is utterly useless, being mixed up with mud, debris, &c., and has to be thrown away. Soda sulphate or Glauber's salt is occasionally formed in the reservoirs. Whenever there is sharp frost on the Meditterneau Coast, as happened this year, a double decomposition takes place in the *virgin* brine: magnesic sulphate, and sodic chloride reform themselves into sodic sulphate and magnesic chloride, and the sodic sulphate being in excess at low temperatures falls to the bottom, generally at the lee side of the reservoir towards which its crystals are driven by the wind. It cost about three francs a ton to gather it, and is used chiefly with common salt for forming refrigerating mixtures. Formerly, it was intentionally produced, but now-a-days, since the discovery of large mines of it in Prussia, its manufacture has been given up in France, and its formation simply injures the *virgin* brine, by breaking up the common salt in it, and adding to its quantity of magnesic chloride. Magnesic sulphate and chloride are got rid of with great care at the French works, especially the latter, which is recognised as the most fertile source of wastage. They are pumped out to sea before they reach their point of saturation in bitterns of a comparatively low density from 29° to 32° Beaumé, and thus their deposition is entirely avoided.

27. *Pumping Machine.*—The machinery for raising water seems to me one of the most important and interesting studies at the French works, looking to the wants of Indian salt manufacture; and I quite think that the machine in use in the south of France is one which can be applied at our salt-pans without any great difficulty and with every prospect of success. It is called a tampon. At most stations there is one large tampon worked by ten to twenty horse-power engines, and one or two smaller ones worked by mules.

Similar tampons to this are described in books, but this one is special to the Compagnie du Midi, and is said to throw least labor on the mules, as from the uniform development of the curve, the centre of gravity of the mass or

particles of water is displaced downwards rapidly and uniformly with consequent diminution of weight and friction. The curve is made by winding a piece of string round the edge of the inner circle or tube orifice of the tampon and unwinding it again, making a pencil score the extremity of the curve it describes. As the string unwinds, the radius of the circle described becomes longer and longer and the dimensions of the tube increases in the same ratio. By lengthening the pole or belts to which the mule or bullock is harnessed the labor may be greatly diminished, but the circle to be traversed is increased to the same extent, and ground wasted as well as time lost. An ordinary mule tampon has a diameter of about 12 feet, costs about francs 3,000 or £120, raises water 3 feet 3 inches, and discharges it at the rate of 263 cubic yards an hour. The circumstance of the machine dips into the water which the chambers take up and discharge at the centre, out of which it flows into the channel at the higher level. By increasing the diameter of the machine it may be made to lift water as much as 5 feet, but this would not be necessary in India. The tampon is made of wood strengthened with iron, and there is a good deal of iron-work about it, but it is not injured to any great extent by the salt-water, as after the first coating of oxide has formed it protects the iron underneath from farther rust. By means of the large double steam tampon at the centre of the works, at which part all the channels, &c., communicate with each other through sluice-gates, the manager has perfect control over the flow of water throughout the works, and can empty or fill any part with brine or sea-water at pleasure.

28. It is not easy to institute a close comparison between two methods of salt manufacture, differing so much in detail as do the French and Indian systems. It will be sufficient for my purpose, however, to compare their results, and endeavour to attribute them to their right causes. Salt of an excellent description, hard, heavy, well-crystallised, clean, and almost chemically pure, is produced for about five francs a ton in the south of France by the wholesale method. Salt comparatively of an inferior description, light, friable, flaky, somewhat dirty and impure, is produced in India for a trifle more than that sum; that is, the contractors are paid on an average Rupees 10 a garee, or at the rate of 5·6 francs a ton. Now to give this comparison its true value, it must be stated that the conditions under which salt is made are not the same in both places. On the contrary, there is every reason why salt should be made better and cheaper in India than in France. Comparing notes with M. Gervais, I found that the rate of evaporation of sea-water, or, in other words, the rapidity of production was nearly three times greater on

the Madras than on the Mediterranean Coast, and that the price of labor was about one-fourth; besides the presence of a stiff clay soil at most of our salt-pans renders it morally certain that they leak less than those in France. M. Gervais believes that the Compagnie du Midi, with their system, would turn out salt equal to their own in India at the rate of two francs a ton.

29. It thus appears that salt is made in India for 5·6 francs a ton of a decidedly inferior description to that made in France for five francs a-ton. This, again, concerns the merits of the two systems in the abstract only, as the latter price includes the cost of establishment, of works of construction, maintenance, repair, &c., and the coverings of the heaps, &c., and the former price includes none of these things, the Madras Government supplying them as separate from the cost of manufacture. To form a correct estimate of the real merits of the comparison, I must here, therefore, perforse compare the position of the Madras Government as proprietors of salt manufactory partly worked by contract, with that of the Compagnie du Midi making its own salt. I think that it costs the Madras Government about twenty francs a ton to make salt certainly inferior to that made in France under less advantageous meteorological conditions for five francs a ton. The cost of manufacture is made up approximately as follows: Cost of establishment, reckoning it at the recognised rate of three annas a maund or 12·7 francs a-ton, departmental works including salt coverings, &c., a little less than 6 pies a maund, or 1·7 francs a ton, payment to contractors 5·6 francs a ton, total 20 francs a ton. So that, as compared with the Compagnie du Midi, it costs in Madras four times as much to make a salt which is neither so clean nor so pure, nor so wholesome, which will not bear carriage as well, and which is subject to a heavier loss from wastage. The reverse of all this should be the case.

30. I will now endeavour to ascertain the cause, first, of the absolute cheapness of the French salt. I attribute it to the economy of a wholesale method of manufacture. At Aigues-Mortes, for instance, which is as large as all the salt stations on the Ennore canal put together, there is a permanent establishment of only 100 men, and one or two superintendents. At the Ennore salt-stations there are hardly less than a thousand contractors, four or five thousand coolies, five superintendents, ten assistants, five clerks, and about fifty poons, who all, after a fashion, live upon salt. Suppose all the outlying stations on the Ennore canal turned into condensers. The salt-beds and platforms, collected at Ennore under the eyes of a single superintendent, his assistant, and a staff proportionate to the diminished area to be looked after, and

the rest of the people diverted to other industries, and we get an idea of the economies effected by the French system. Conversely, the relative dearness of the Madras salt is due to the fact that Government gives out its manufacture on contract to petty contractors, supplies all the requisite large works, such as canals, embankments, platforms, &c., and maintains an establishment to look after the contractors and salt sufficiently strong to make the salt in a well-arranged manufactory. The low level of the French salt-pans has not much to do with the cheapness of the salt, for after all, the brine is pumped up to the finishing condensers and sometimes to the inner condensers, and when the pumps are not in action, the mules still go on eating in the mangers. Steam-pumps are, of course, relatively economic, but their use in this connection only serves to show that the French works are not much benefited by their low level.

31. The crystalline superiority of the French salt is no doubt due to the length of time it is allowed to form, the depth of brine under which it forms, which protects it from the disturbing influence of the wind, and, in a great measure, also to the custom, strictly enforced, of keeping the brine in the salt-beds always at or below 29° Beaumé, so that salt formation is never hurried or pressed upon by the approaching saturation of the magnesic salts. To these reasons should be added two others; the rate of evaporation is less rapid in France than in India, and the winds, as a rule, are lighter there.

32. The superior clearness of the French salt is due to the gravelly hardness of the salt-beds, careful handling and tile coverings, and its chemical purity to the careful exclusion from the works of brine capable of parting with its magnesio salts. In these respects, Indian salt is evidently capable of being improved up to the French standard without much trouble or expense, granted only a sympathetic state of feeling and hearty co-operation on the part of the native manufacturers.

33. Finally, there remains the question—what proposals calculated to benefit Indian salt culture are suggested by this report? In the first place, there are certain mechanical arrangements which may perhaps be advantageously introduced into this country, which I will here merely enumerate and draw attention to, as before any of them could be adopted on a large scale, the question of advantage would have to be settled by limited experiments. I allude here to the pumping machine, the weighing machine, the platform arrangements for preserving the salt-heaps, the tile coverings for the salt, the stone-rollers for hardening the beds, the wheel-barrows for removing the salt, the stick apparatus for level-

ling the beds, &c. Many of these might, I believe, be introduced with advantage, but I have returned so lately from France that I cannot as yet speak positively about them. I have already, by recommending in former reports a larger and shallower condensing area, a smaller number of salt-beds collected at the end of the works nearest to the platform, deeper and stronger brine in the crystallising beds, larger crystallising beds well sanded, more time for crystallisation and the removal of mother liquors, &c., anticipated most of the proposals relative to improvements in the details of manufacture suggested by the French works.

34. But besides these questions of detail, there are other and more important proposals which flow naturally from an attentive consideration of the foregoing facts. One which I put forward as a logical deduction from that consideration rather than as a serious proposal, is, that Government make its own salt. As at present managed, Government pays for the construction, up-keep, and establishment of the manufacturing stations, and yet pays ignorant contractors 5·6 francs a ton, for manufacturing an inferior description of salt. Its total outlay is twenty francs a-ton, whereas the French believe, and I also think, that they could make better salt here, everything included, for two or three francs a-ton. By making the salt itself, Government could introduce those working economics and scientific improvements in the details of manufacture noticed in France. It is difficult to understand in what other way they can be introduced. The native contractors are in an independent position, and they know it. Happily ignorant, confident of their power, invincibly prejudiced and conservative, they go on making salt of the old kind in the old way, and, for anything that I can see to the contrary, they will continue to do so for an indefinite number of years. At the end of 1873, I had begun to foresee this, and drew attention to it at the end of my report for that year. I can now only repeat that in so far as my efforts are directed towards improving the present method of salt manufacture, subject to existing sur-

rounding conditions, they are not, I fear, likely to be productive of any great benefit.

35. Nothing would be better calculated to improve the salt culture of India than the excise system applied to salt, if only salt was sold by weight instead of by measure. But as the reverse is the case, as there is a premium placed on light salt by merchants at present buying by weight and selling by measure, any withdrawal of Government supervision from salt manufacture would be at once followed by a decided deterioration in the quality of the salt in so far as there is room for it. On the other hand, if salt was sold by weight as well as bought by it, the excise system would, I believe, result in causing an immense improvement in the present state of salt manufacture. On the whole, I believe that the excise system, combined with an enactment compelling the sale of salt by weight, is the best proposal that can be made by one employed, as I am, in endeavouring to improve the manufacture of salt in this Presidency.

36. As long as the present state of things continues, intermediate between direct Government manufacture and excise, the best thing to do is to give or sell all new salt stations that are opened to intelligent capitalists, whether Native or European, on the understanding or agreement that they will manufacture salt in an enlightened way and of a superior quality, and I know of no better test of quality apart from the cleanliness of the salt than a comparison of its weight with swamp salt. A manufactured salt, which, bulk for bulk, weighs as much as Vedarniern swamp-salt for instance, is pretty sure to be well crystallised and free from magnesium, &c. By an enlightened way of making salt, I understand its wholesale or economic method of manufacture as adopted by the French, with one restriction. In a tropical climate salt should not be left in the crystallising beds longer than one month at most. Tropical showers come without much warning, and are more copious and destructive than days of rain in France. There may be difficulty in getting men to buy or at least agree to work a whole salt-station on the

terms mentioned for the existing Kudivaram. I have professed to be able to make salt at a very low figure. This report contains strong evidence to show that it can be made at any rate for very much less than it costs at present and better made; but how much better, and for how much less, are questions that nothing but a sufficiently extensive experiment can settle practically. If Government desire it, I am ready to undertake the conduct of an experiment, only, to be of use, it should be on a sufficiently large scale; time enough should be allowed for its completion and adequate funds provided for its conduct. The area at my disposal at Eanore last year was far too limited to have enabled me to do more than show how salt may be best and most economically made in an ordinary cramped native ullum.

37. I regret to state that, though I made diligent inquiries at different towns in the south of France, and from men long connected with salt manufacture, I could discover no plans, models, or books, likely to be of use to the Salt Department here. In fact, it is believed that nothing has been written on the subject further than such passing notices as appear in works on Chemistry under the head of Sodic Chloride. Under the circumstances, and considering also that the French gentlemen who courteously assisted me in my work are anxious to see my observations on their method of salt manufacture, I would ask the Board to send some copies of this report to M. Mion, Representative of the *Compagnie des Salines du Midi*, Montpellier.

In this interesting report Dr. Ratton gives an account of his visit last January to the French salines or salt-manufactories on the Mediterranean Coast.

2. It appears that the French Government make no salt. The manufactories are worked by private in-

	RS. A. P.	
Equivalent to—		individuals or com-
Per Garse ... 176 0 0		panies who pay
Per Indian Maund. 1 7 6		an excise of 100*
		francs per ton of salt sold at the pans for home,

consumption. No tax is levied on salt for export.

3. The works are situated on sandy littoral wastes generally below sea-level, and are surrounded by heavy embankments to protect the pans from floodings. The areas enclosed seem to vary from several hundred acres to some fifteen to twenty square miles. Sea-water is supplied by canals with locks or sluices where they enter the embanked spaces. The salt-water flows naturally into several series of shallow tanks or condensers, arranged, not in artificial order, but suitably to the natural undulations of the sites, which are utilised to the utmost, and is gradually passed on by gravitation or pumping to the finishing condensers and crystallising beds. The manufacture is carried on generally from April to September.

4. The salt is stored in masonry or wooden frames, the floors being tiled or boarded, or sometimes merely gravelled and rolled hard. Tiles are now used to cover the salt instead of thatch, by which a considerable saving in wastage and greater cleanliness is said to be secured. The salt produced is described as decidedly superior to that ordinarily manufactured in the Madras Presidency.

5. Comparing the results of the French and Indian systems, Dr. Ratton says: "Salt of an excellent description, hard, heavy, well-crystallised, clear, and almost chemically pure, is produced for about five francs a ton in the south of France by the wholesale method. Salt comparatively of an inferior description, light, friable, flaky, somewhat dirty, and impure is produced in India for a trifle more than that sum, i.e., the contractors are paid on an average Rupees 10 a garce, or at the rate of 5·6 francs a ton." In the next paragraph, however, Dr. Ratton proceeds to say that the 5 francs in France covers the cost of establishments and of works of all sorts from first to last; whilst, if these are taken into account for Madras, the Indian price is raised from 5·6 to 20 francs a ton, or the Indian cost for an inferior is four times the French cost for

a decidedly superior description of salt. And the opinion is further expressed that, with certain advantages considered to attach to the circumstances of Indian manufacture, the relative cost should be less; in fact, that salt equal to the French might be produced at two francs per ton.

6. The Board have no means of knowing how Dr. Ratton's comparative calculations of the prices of French and Indian salt have been arrived at in detail. He does not appear to have included the cost of the excise establishment in the French price, whilst the cost of managing the Government monopoly is evidently debited in the Indian price. In fixing the cost of establishment at the rate of three annas a maund, however, he is obviously in error, for this sum is not the "recognised rate for the cost of establishment," but rather for all charges incidental to manufacture on the East Coast as shown by the figures submitted to Government with reference to the Bill for the amendment of the Salt Law (now Act XI of 1875) in Board's Proceedings dated 12th July 1873, No. 1275. The average cost of manufacture based on calculations for a period of six years is there shown to have been three annas and one pie per maund, inclusive of all charges except wastage, the addition of which raises the cost to three annas and three pies. This estimate may not be absolutely correct, as it is difficult to estimate the sum to be allowed for construction, maintenance, and repair of salt-works, but it is approximately correct. The Board have recently called for information which will enable them to frame a more trustworthy estimate as directed in G. O., dated 3rd February 1875, No. 179. Three annas and three pies per maund is equivalent to 13·3 francs a-ton, and this much more nearly represents the cost to the Madras Government than 20 francs a-ton. The average quantity manufactured from 1867-68 to 1872-73 appears, from the Board's Proceedings already quoted, to have amounted to 5,826,655 maunds, the cost of which, at three annas and three pies per maund, would amount to Rupees 11,83,540. At 5 francs a ton it would amount

to Rupees 4,45,092, and at 2 francs a ton to Rupees 1,78,037, resulting in a saving of Rupees 7,38,995 in the former and Rupees 10,05,450 in the latter case. Could salt be produced, therefore, in this Presidency at the rate at which it is described as being produced in France, the saving to Government would be very considerable; and, though there may be room for a difference of opinion as to the actual difference in cost, there can be no doubt that there is immense economy in the French system, and that probably from its study much practical improvement, and a very considerable saving of expense, may be effected in our own salt-manufacture.

7. Dr. Ratton appears to attribute the positive cheapness of French salt to the wholesale method of manufacture conducted on intelligent principles, and its comparative cheapness in reference to Indian salt to the facts that private manufacturers generally work more economically than a Government department, and that Government, besides entertaining expensive establishments and executing salt works, pays a large number of petty contractors wedded to a slovenly and comparatively expensive system.

8. As to steps calculated to benefit Indian salt-culture, he indicates certain arrangements of detail which may be tested by experiments. He puts forward rather as "a logical deduction" from a consideration of the facts he has adduced, than as "a serious proposal," that Government should make its own salt, and considers that nothing would be better calculated to improve the salt-culture of India (if salt were sold by weight instead of by measure) than the introduction of the excise system. It is sufficient to observe that, apart from the fact that the retail sale of salt by measure is the rooted habit of the country, which it would be very difficult to interfere with even if such a step were considered desirable, the objections to the substitution of the excise system for that at present prevailing in this Presidency have been clearly and conclusively shown in the Revenue Secretary's letter to the Government of India, dated 17th February 1875, No. 256.

This part of the general question, therefore, need not be further considered at present.

9. The main subject for immediate consideration is the financial aspect of the question. Although it is, of course, desirable to improve the quality of our salt, the salt now produced is, the Board believe, perfectly wholesome, and is well adapted to the tastes of the people. The mass of the consumers would probably purchase the salt now supplied at present rates rather than pay even a slightly enhanced price for what Europeans would consider a very superior quality of salt. The object should therefore be, whilst seeing that a sound wholesome standard of quality is maintained and improvement effected as far as may be, to reduce the cost to Government to the utmost both as regards production and departmental management from beginning to end. It seems to the Board that all that can practically be done with advantage now is—

*1stly.*—To see that every attention is paid to the introduction of approved mechanical arrangements and the improvement of the system of operations at the salt-works, so that the expense of production and management may be reduced to the utmost under the present system.

*2ndly.*—To undertake experiments at some convenient place on a sufficiently extensive scale, to determine practically whether salt can be produced in a very much more economical manner than at present or not.

*3rdly.*—When any new ground is taken up for salt-manufacture, to deal, if possible, with a capitalist instead of with a number of petty contractors as has been the practice hitherto, so as to reduce to a minimum the cost of manufacture and of the Government establishment required to be maintained.

10. With these remarks, the Board resolve to submit Dr. Ratton's report to Government, with a request that, if the Government approve of experiments on a considerable scale being made (as advocated above), the Board may be authorised to communicate with Dr. Ratton, and prepare a scheme in detail. The

opening of new pans at Harigoshti in the South Arcot District affords a favourable opportunity for conducting the experiment on a sufficiently extensive site, which the Board believe to be available for the purpose.

11. In accordance with the request at paragraph 37, Dr. Ratton will be furnished with ten copies of his report for distribution.

(A true Copy and Extract.)

(Signed) C. A. GALTON,  
*Acting Sub-Secretary.*

Order thereon, 25th September 1875, No. 1,414.

The thanks of the Government are due to Dr. Ratton for his interesting report on the method of salt culture in France, which will be communicated to the Chamber of Commerce. The Government will be prepared to entertain proposals from capitalists to undertake salt manufacture on their own account on such a scale as to admit of the Excise Act being extended to their works.

(True Extract.)

(Signed) A. MACGREGOR,  
*Acting Secretary to Government.*

## MISCELLANEOUS.

### THE INDIAN AGRICULTURIST.

The discontinuance of the *Agricultural Gazette of India* in March last, left us without any purely agricultural paper whatever in India; a country, the industry of which is almost wholly agricultural. Our purpose therefore in publishing the *Indian Agriculturist* is to fill the gap thus made, with a complete current record of everything that is being done, or attempted, in the various provinces of the country, for the improvement of the husbandry of the people, and for the ascertainment and development of their mineral resources. In considering the size and form that it would be best to give to

the paper, we have finally decided that we could not do better than retain the main features of the old *Agricultural Gazette of India*. We have thought well over the question of size, type, and paper to be employed; and in view of the fact that the work is designed to be one of constant reference as well as of current record, and the extreme convenience of the old *Agricultural Gazette* in form, we have determined to make very little change either in the size of journal, or the type, or the paper.

The *Statistical Reporter* now being brought out from the Bengal office, while very valuable to the province, will form a work of most inconvenient size for reference, and as to carrying such a work about the country, it would be impossible. Such of our readers as may have seen the *Agricultural Gazette* in volume form, will probably have been struck with the extreme convenience of its size, while half a dozen volumes of the journal might be carried by the settlement or revenue officer anywhere, without the least embarrassment from their bulk; thus having at his command every fact of importance that has appeared in the *Gazettes*, or the public papers of the country, concerning its agriculture in the previous half dozen years. In the present low state of education amongst the people, there is almost no enquiry amongst them for such information, while if ever an occasion existed for an attempt to excite a demand by the supply, it is surely in this case. We have to thank several of the governments and administrations of the country for the readiness with which they have come forward to assist us to produce a paper, which, as long experience has shewn, can never in a purely official form excite any interest; while every such attempt must necessarily cost many times the amount that might secure for every province in the Empire all it wants in a semi-official form. Every one we suppose knows how little hope there is of such a journal being established without some governmental help, and our warm thanks are due to the local governments who have given us their assistance in our work.—*The Indian Agriculturist*, 1st January 1876.

# THE REVENUE REGISTER.

No. 2.]

MADRAS :—TUESDAY, FEBRUARY 15, 1876.

[VOL. X.

## THE INDIAN AGRICULTURIST.

IN our impression for January we published the short introductory article of the new publication whose name appears at the head of our column. We say the new publication, but it is in very deed an old friend with a new face. The *Indian Agriculturist* fills up the gap left by the discontinuance of the *Agricultural Gazette*, whose cessation in March last was so widely regretted. The *Indian Agriculturist* appears to us to combine the advantages, in a more convenient form, of the *Indian Economist*, the *Agricultural Gazette*, and the *Statistical Reporter*. Though published in Calcutta, the journal should enjoy a more than local circulation, inasmuch as it deals with widespread interests. In its pages we find information, or advice, touching the agricultural interests of places so widely separated as France and China, the Punjab and Coorg, Allahabad and Wynaad. Nor is the range of subjects less extensive in its way than the geographical; for we find articles, letters, and notes on the sunflower as a prophylactic to miasmatic fever, on the new silk mill in Bombay, on agricultural banks, on horse breeding, on our fauna and flora, and many other most useful, but widely separated, subjects. It would be impossible, even were it not undesirable, for us to write a review,

in the ordinary acceptation of the term, on the contents of so multifarious a publication; but perhaps a notice of one or two of the most interesting of the papers may not come amiss to our readers, and may lead them to become subscribers to a most useful and interesting periodical.

The first article is on the sunflower plant; from it we learn that its cultivation has engaged a considerable amount of attention since 1869, when Mr. Buckland, Commissioner of the Burdwan division, drew the attention of the local Government to an extract from the *Pall Mall Gazette*, in which the cultivation of this handsome, though somewhat gaudy, plant was strongly recommended to the inhabitants of the Fens as a prophylactic against malarial fever. The recommendation was strongly supported by the experience of its virtues in Holland, a country which, from physical peculiarities, would be particularly liable to miasmatic influences. Subsequently we are told the Government of India made various enquiries, more especially of the Governments of France and Holland, but elicited no satisfactory information. The *Pall Mall Gazette* recurred to the subject in 1871, and quoted the case of a Dutchman, Van Alstein, who lived on the banks of the Scheldt, and had protected his household from malarial fever for ten years through the agency of the

sunflower; while his neighbours, who either knew not, or cared not for, so simple a remedy, suffered as usual. After this many experiments were tried with the view of ascertaining whether the cultivation of the sunflower was likely to prove remunerative from a commercial point of view. That it yields a fine limpid oil, suitable for culinary and lighting purposes, may be now taken as proven; but not so the important question whether it can be done at a profit. Oil cake too is produced of a good quality and readily eaten by cattle. The desideratum now appears to be to find machinery suitable for expressing the oil in a cheap and effective way. This article certainly points to two good results—1st, the cultivation of the *Helianthus annuus* as a prophylactic in fever-stricken districts; and 2nd, as a possibly lucrative commercial speculation. Let us hope that the desired machinery may soon be brought to bear; but meanwhile, why wait for financial profits while our people are dying of fever? Fever, in its quiet, unostentatious, way kills more people annually than does the much-dreaded cholera; yet, while we should think nothing too costly, or too troublesome, to secure us against the latter grim destroyer, we wait to ascertain what direct profit we can make out of a simple and inexpensive safeguard against the less frightful but not less fatal fever. Surely this is questionable economy. We would venture to suggest that the attention of our provincial authorities, and the Traffic Departments of the various Railways, be called to this subject. The officers of the Railway might do much, for there is a nice garden attached to almost every station along the various lines, and the stations have an inherent power of collecting around them a sort of hamlet, consisting mainly of the houses of Railway employés and their families, who frequently suffer grievously from fever.

In the portion of *The Agriculturist* called the Planter's Gazette, we read with deep interest a paper on "Indian Tea." From it we find, what no doubt many of our readers know already, that there is an indigenous Indian Tea plant. It is, however, probably not so well known that this plant was discovered more than forty years ago in the jungles of Assam. About the same time, unfortunately for the early prosperity of tea planters, the Government of India imported tea seeds from China, and with great care, and at immense expense, transported the seedling plants to Kumaon and Assam. When the existence of indigenous tea became known, it was naturally at first unwelcome news, and vested interests were anxious to make out that, even were the plant a tea plant at all, its produce was so inferior as to be unfit for use. This was long ago, and we are told that the indigenous plant has fought its way so well that "the price of teas in the London market may therefore be roughly classed in the following order as to value:—

- a. Assam indigenous.
- b. Hybrid of a high class, that is, more indigenous than China.
- c. Hybrid of a low class, that is, more China than indigenous.
- d. China kind produced in India.
- e. China kind produced in China."

The concluding paragraph of the article will be particularly grateful to the hearts of those who are the possessors of tea gardens. "The tea industry in India, though still quite in its infancy, is a great fact. The imports from there into Great Britain, though only about a seventh of what comes from China to-day, will probably in a few years equal, if not exceed it; and as the events of the last few years have proved that a better investment for capital than tea in India does not exist, the subject is

one of paramount importance to the commercial and thinking public."

From these brief notes we hope our readers will be lead to read the *Indian Agriculturist* themselves. We would specially commend it to the attention of Revenue officers and self-working planters and farmers.

## CORRESPONDENCE.

### LONDON LIFE.

[FROM OUR SPECIAL CORRESPONDENT.]

SIR,

The first three quarters of the nineteenth century are consigned to the limbo of the past, and a new year is before us. Should the next five lustra prove as prolific and progressive as their predecessors, it is almost beyond human intelligence to conjecture what will be the state of society and civilisation in the year of Grace 1900. Public opinion matures, science advances with "leaps and bounds," empires are convulsed, dynasties overthrown, sceptics crop up and thrive, those around us are given in marriage and die off, new intellects are daily born into the world, and so life goes on. Who shall say what twenty-five more years may do for this country, and for the universe? With the recollection of the greatest minister that ever lived,—William Pitt,—may we not even contemplate the possibility that this very day a child may be launched into this "sea of troubles," who will wisely rule or rashly revolutionise the mighty Empire "on which the sun never sets" ere the dawn of the twentieth century. It would take pages, nay volumes even, to epitomise the rapid sequence of events, the curious changes, and the powerful media for good and for evil which we have all witnessed since 1850. The millennium of peace at that time so hopefully anticipated, lasted but three short years, and the political horizon presents clouds which peremptorily forbid all conclusions that "peace on earth and good

will" are at hand. Germany and France have changed places; the atrocities of Napoleon in Berlin have been cruelly avenged in Paris; and notwithstanding the marvellous financial elasticity of La Belle France and the lively fascinations of her capital and people, in spite of the attractions which render the city on the Seine the metropolis of Europe, years must elapse before it will be competent to say of her, *Græcia capta ferum victorem cepit*; so bitter is the animosity between the Teuton and the Gaul! We have had our little wars; our soldiers and sailors have always behaved with that endurance, gallantry, and self-sacrifice which are synonymous with the name of Britain—witness India, Abyssinia and Ashantee—but England has no longer the mighty influence in the Councils of Europe which she possessed in 1850. Strange doctrines too have convulsed the religious world during the last quarter of a century. In 1850 Colenso was not known, Voysey was comparatively in his cradle, Puseyism was fashionable, but its exaggeration, Ritualism, had not been developed. Mackenzie and Purchas were in embryo. We had not in those days such a choice variety of religious "pabulum;" now the popular preachers advertise their wares in the evening papers of Saturday, and a speculative enquirer may improve his Sunday morning with any phase of so-called religious thought. Atheism, Theism, Rationalism, Scepticism, Anglicanism, Roman Catholicism, Presbyterianism, and fifty other "isms" all have their temples, and at no period in history has the truly religious and God-fearing man found so many stumbling-blocks strewn in his wished-for path to heaven. Parliamentary reform has been active likewise during the last ten years and the "residuum" votes. Mr. Disraeli's "liberal" views on the subject of electoral qualifications are almost enough to summon the perturbed spirit of his friend and patron Lord George Bentinck from Hades. It is impossible to enumerate the discoveries of science which have enriched mankind during the years over which our retrospect is directed. Art, surgery, telegraphy, locomotion, physiology, zoology, and topographic discovery have all been developed with lightning speed, and human

knowledge has generally increased in a ratio wholly disproportionate to anything previously known. Whether this rapid "ripening" (if I may use the word) of mundane affairs points to a crisis in the universe is too abstruse a subject to discuss in your columns; but, should Providence allow human intellects to continue the improvements and discoveries which it has been vonchased to them to make since 1850, I see no reason why time and space should not be even more completely annihilated than they are now. In 1900 or 1925 (which latter date many now existent will live to see) shall we be holding friendly intercourse with our cousins in the moon? Shall we take a trip to New York in the same time as we go to Margate? Shall we employ balloons instead of bicycles? Shall we have a sensible and unbigoted School Board? Shall we have unpaid magistrates who are not absolute idiots? *Quien Sabe?* Of a truth the past twenty-five years, and the same number of which the events are still hid in the womb of the future, afford material for much serious reflection and much anxious speculation.

The close of the year has been marked by three strange calamities, involving terrible loss of life, and in one case indicating a measure of human depravity almost incredible. An emigrant ship was loading at Bremer Haven, the decks and quays were crowded with the future exiles and their relatives, a busy scene of cheerful labour dashed with parting sorrow was there, when suddenly, without a moment's warning, a terrific explosion was heard, and the dead and dying lay scattered around in shapeless gory heaps. A package of dynamite, or some similar fearful compound, had ignited, and hence the unparalleled disaster. The fatality would have been sufficiently deplorable had it been one of those accidents which the Deity in his all-seeing wisdom permits to afflict humanity from time to time; but enquiry revealed the fact that a fiend in human shape had devised this infernal machine with the deliberate intention of annihilating the vessel and all its living freight. The greed of gain had sharpened his intellect, and with the aid of science he had constructed a deadly torpedo which, by the

action of clockwork, should blow up the ship in mid ocean; he would then have claimed the heavy insurances which he had made on the vessel and cargo. By some miscalculation the explosion took place prematurely. The miscreant committed suicide, but confessed before he died. As he is now dead, he is beyond the reach of human retribution; but if there is a place of torment in the world to come, he of all men is likely to be found there. It is currently reported and believed that this is not an isolated case. Many ships that have "never been heard of" after sailing (like the *City of Boston*), may have been disposed of in this fashion; and it is far from pleasant to cogitate on the fact that when one embarks on a sea voyage, the perils of the deep are as nothing compared to the possible destruction buried in the hold.

The other disasters I have to chronicle present redeeming features. Two training ships have been destroyed by fire in the river Thames. Some of your readers may ask, "what is a training ship?" Certain philanthropical societies originated the idea of picking up indigent and homeless boys in the streets of London, waifs and strays, the arabs of society, and training them for seamen in the Royal Navy and Merchant Service. Thousands of poor lads have been rescued from misery and crime by this agency, and the Admiralty has from time to time granted useless "men of war" to be converted into training ships. Last week, two of these, the *Goliath* and the *Warspite*, were totally burnt; the former by the accidental upsetting of a paraffin lamp, the latter by, it is supposed, an act of incendiaryism. In the former, sad to say, between twenty and thirty lives were lost, in the latter there was no casualty. "Experience teaches," and "The proof of the pudding is in the eating." When the *Vanguard* was rammed and sunk by the *Iron Duke*, the power of the ram was demonstrated, but the "pudding eaten" was an expensive dish. When the *Goliath* and the *Warspite* went to the bottom of the river in a lurid blaze of fire, the noble conduct of the boys, their calmness, discipline, courage, and self-reliance

were amply proved, but they cost the country nothing. Individual acts of heroism in the rescue of comrades occurred which are beyond praise, and had it been necessary, I doubt not that these youthful paladins would have met their fate with as much resignation and stoicism as the troops on board the ill-fated, and never to be forgotten *Birkenhead*. And it must be remembered that these young gentlemen are what the world calls "gutter children;" orphans many of them, others deserted by needy or unnatural parents. Is not a training ship then a great institution? Should not the charity of the wealthy be directed into such a profitable channel? If we can diminish pauperism and crime, and simultaneously train the sailors, of whom there is such a dearth, can we hesitate? The Admiralty has promptly offered to supply ships in place of those which have perished, and funds are being rapidly subscribed to fit them up in the proper manner. If any of your readers have more rupees than they know what to do with, they might do worse than remit a score to the Royal Marine Society.

With our Prince of Wales in Hindustan and his royal consort in Denmark, with the Duke and Duchess of Edinburgh rusticating in Kent and the Queen in seclusion at Osborne, and Prince Leopold in strict retirement at his residence in Wiltshire, the Metropolis is tolerably dull; but Her Majesty's lieges have just been gratified by an official announcement that she will open Parliament in person on 8th February, a ceremonial in which she has not participated since 1871.

The Queen has been so long in retirement, and so rarely gladdens the hearts of the people with her presence in public, that any monarch less esteemed and beloved by her subjects might have become estranged from them; but the English are so loyal, and Her Majesty is so universally esteemed for her private worth, that such a contingency could never happen. Not the less cordially, however, will her reappearance be welcomed, and her self-denial is the more appreciated owing to the prolonged absence of the Heir Apparent. It is universally hoped

that her health will permit her to continue the course with which she promises to inaugurate the Session.

Turkey continues to be a defaulter, and her financial prospects are as dismal as ever. The numerous bond-holders here and on the Continent appear unable to hit upon any united plan of action; and whilst they are arguing and quarrelling among themselves as to priority of rights and other details, the apathetic advisers of the Porte twiddle their thumbs and envisage the situation with true Oriental complacency. The great fact remains, that Turkish securities are depreciated 50 per cent, and there is every probability that the worst point has not yet been reached. No one knows what course the great Powers will adopt, and it is idle to speculate on what projects are entertained by the leading diplomatists at St. Petersburg, Vienna and Berlin; but if Lord Derby continues in office, England will assuredly have a "finger in the pie," and, if the Christmas bird is to be cooked and cut up, the "chef" in Downing Street will be in the kitchen to concoct the sauce, and if requisite, to claim a slice of the breast. Egypt is likewise involved in a financial crisis, and Mr. Cave, M. P., a gentleman of great talent and aptitude for accounts, has been deputed by our Government to assist the Khedive in setting his house in order. He has been at Cairo about three weeks, and sundry sensational telegrams periodically arrive in London announcing that he has quarrelled with the Viceroy, that he finds the exchequer in hopeless confusion, that he means to return instanter *re infectâ* and similar *canards*; but these are understood to be Stock Exchange "dodges," worked by the "Bulls" and the "Bears" in Capel Court, and the public will learn nothing worthy of credence until Mr. Cave himself thinks fit to issue his report. It is pretty certain that his task is both difficult and delicate; although he has no "Harem" to contend against—which institution is so potent in hatching intrigues at Constantinople—he must be prepared for innumerable official obstructions on the part of the "hangers on" at the Vice-regal Court, who live a life of luxury and idleness at their Royal Master's

expense, and who have everything to lose and nothing to gain by a searching enquiry into the maladministration of the Egyptian revenues. "Backsheesh" is the shibboleth of the nation, and when that glorious institution is curtailed or abolished, ministers and officials, both primary and subordinate, will in many quarters find, like Othello, their "occupation gone." The Khedive is an energetic and practical man, but he is proud, and *tant soit peu* obstinate. If he has self-command enough to take in good part Mr. Cave's advice, which is sure to be tendered with deference and tact, there may be a great future for Egypt. If he "flares up" *delenda est* Cairo. Our volatile neighbours in France continue tranquil; the little outburst of temper, arising from wounded *amour-propre*, which took place when the purchase of the Suez Canal shares by the British Government was so suddenly announced, has passed off; and, in spite of some inflammatory and pseudo patriotic effusions of the Parisian press, all decent Frenchmen now recognise that the bargain was not prompted by any desire for territorial aggrandisement on our part, and they realise the fact that the possession of 177,000 Suez Canal shares in no way affects our political status on the banks of the Nile. The special telegraphic wire monopolised by the *Times* newspaper, frequently announces a ministerial crisis at Versailles; but nothing serious ensues, and Marshal McMahon has a good chance of completing his "Septennate" in peace. Prince Bismarck appears to have retired into private life, but no one can tell what mighty projects may be seething in his astute brain. "Still waters run deep," and he may at any moment emerge from his studio, "cry havoc, and let slip the dogs of war." He is still, to all intents and purposes, the arbiter of Europe; but he understands mankind in general and his own countrymen in particular; he knows that for the nonce they are satiated with blood and iron and glory, and having thrashed their old enemies, are yielding to their commercial instincts and love of Fatherland, and by no means desirous of a fresh campaign.

The great "George Washington," towards

the close of the last century, wrote the following lines to a friend: "You will act very prudently in having your will revised by some person skilled in the law, as a testator's intentions are often defeated by different interpretations of statutes, which require the whole business of a man's life to be perfectly conversant with them." Very sound advice, when we consider that the late Lord Westbury, High Chancellor of England, drew his own will and managed to intimate his intentions so hazily, that all the lawyers in the land could not satisfactorily decide as to the disposition of his property. Again, the other day the gentlemen of the long robe were engaged for upwards of a week in unravelling the meshes of a testamentary document executed by Lord St. Leonards, another ex-Chancellor. He was a very aged man, and made many wills and codicils, and when he "shuffled off this mortal coil," no one seemed to know which was the right will, and certain parties upheld the existence of a document which could not be found. These latter succeeded in establishing their contention; and in giving judgment, the learned functionary on the bench drew attention to the existence of a public office in which wills could be deposited and registered, and he pointed out how desirable it was that testators should avail themselves of the privilege. When we consider how much family discord may be caused, and how much expense incurred owing to the disappearance, more or less mysterious, of a rich man's will, it seems strange that the facilities offered for avoiding such a mischance should be so generally neglected.

Time has sped so rapidly that, although it seems but yesterday that the Prince of Wales quitted these shores, yet by the time these lines are in print we shall be making preparations to welcome him back to England. His future subjects here take the greatest interest in his progress, and are much gratified by the noble reception accorded to him throughout the Indian Empire. How tame and humdrum he will find the metropolis and its denizens after all the novelty, the splendour, the pomp and circumstance of the gorgeous East! Some

censorious critics, who are always on the *qui-vive* to pick a hole in any one's behaviour,—the more exalted the personage the better—have caviled at the Prince's attendance at wild beast fights and at the ballets of nautch girls; but as the old saying runs, "When one is at Rome one must do as Rome does," and I for one think that he was right to see all the native customs and amusements. Some great man has laid it down that every Englishman is bound to visit the House of Commons and witness a prize fight *once*. I have done both, and never wish to repeat the dose. I fancy His Royal Highness takes the same view of cheetah hunting, rhinoceros contests, and nautch dances. The newspaper correspondents furnish us with voluminous descriptive accounts of his minutest movements, and it is gratifying to read the warm encomiums bestowed on him by the "Special" of the French newspaper the *Temps*; and that gentleman is not less earnest in his grateful acknowledgment of the extreme kindness and hospitality which has been extended to him by every class of Englishmen in India.

The resignation of Lord Northbrook has been long expected, but that his successor would be Lord Lytton no one anticipated; in fact it was generally assumed as a matter of course that the Duke of Buckingham would be "translated" from Madras to Calcutta. But Mr. Disraeli is rather fond of straying out of beaten tracks, and we must do him the justice to avow that although some of his appointments may at first have seemed peculiar, they invariably turn out well. What an outcry was raised when Lord Mayo was made Viceroy! What a storm of abuse assailed the Prime Minister and his nominee! How unanimous were the "bitter scribblers" (as the lamented statesman himself termed them) in proclaiming his incapacity, and stigmatising his selection as a flagrant job! What was the result? No more popular or more signally competent man ever sat in the Vice-regal chair, and in one brief twelvemonth all the radical and so-called liberal journals, from the *Times* down to the *Echo*, had to eat their words. The recollection of their humili-

ation on that occasion now curbs their fiery pens, and so Lord Lytton's appointment is treated with "bated breath." His Lordship is but five and forty years of age, but he has a certain reputation both as a diplomatist and a *littérateur*, and it is not presumptuous to infer talents of a high order in a man who is the son of the author of "Pelham" and "My Novel," and the nephew of Lord Dalling, a statesman well versed in Oriental diplomacy. Lord Lytton is now on his way home from Lisbon, and will enter on his new office in about three months' time; for the sake of India we hope his rule will prove as beneficent as that of his Conservative predecessor.

The festive season of Christmas has come and gone. The plum-pudding and mince pies are eaten; the indigestion taries; the new year's gifts are almost forgotten, but our tradesmen's bills are painfully obtrusive. Old friends and acquaintances have met and parted; "it may be for years, or it may be for ever." The work-a-day world has resumed its ordinary routine; but the boys and girls have not yet all gone back to school, and the "pantomime" fever is still raging. Never before was there more enthusiasm on the subject among the juveniles, and two or three of the performances are exceptionally good. Whilst the good people of Calcutta are languidly enjoying the refined comedy of the elegant Charles Matthews with punkahs flapping and the thermometer standing at 90°, we are merrily participating in the jokes and iniquities of clown and pantaloons, but blowing on our fingers to keep up the circulation. We are enduring a spell of severe cold with every prospect of its continuance. What says the Poet?

"Breathes there a man with soul so dead,  
Who never to himself hath said,  
My own! my native land?"

But "my own, my native land," with three or four inches of snow on its surface and a bitter north-east wind blowing, is more poetical on paper than comfortable in reality, and a little "expatriation" in the right part of the globe would be far from unwelcome. In Madras you see too much of the god

Phœbus; in London he never shows his face at all. This reminds me of a profane remark, that in England the Persian religion must be a sinecure, since their Deity the sun is non-existent.

Mr. Plimsoll is still indefatigable in his efforts to remove unseaworthy ships from the highways of Neptune, and has been visiting all the ports of the Black Sea with a view to revising the arrangement of grain cargoes. There can be no doubt that "coffin-ships" are still plying in large numbers in all quarters of the globe, and Mr. Plimsoll deserves the thanks of humanity for his energetic efforts to put a stop to what may fairly be termed a reckless traffic in human lives. Still his enthusiasm is apt at times to carry him away; and he has subordinates who, with the best intentions in the world, allow their zeal to outrun their discretion, and thereby defeat their own object. A notable instance of this has just occurred. A certain Mr. Fyfe, who claims to be Mr. Plimsoll's acting agent at Liverpool, has been telegraphing to the Queen, requesting her to detain a ship, the *Wild Rose*, which had already been pronounced seaworthy by the Board of Trade authorities. Now Mr. Fyfe is, or ought to be, well aware that Her Majesty is a constitutional monarch, and cannot interfere with the administrative acts of her ministers; his telegram to the Queen can, I fear, only be regarded in the light of a piece of consummate impudence. The member for Derby must bear in mind that the great strength of his cause consists in public support, and that he cannot retain without discretion.

I am, yours, &c.,  
PRIPATETIC.

#### HIGH COURT—MADRAS.

MORGAN, C. J., AND FORBES, J.

*Suit for wages—Limitation.*

Where A sued to recover his salary as a fencing master under Clause 7 of the Limitation Act—HELD, that Clause 7 applied to the wages of ser-

vants and labourers, but not to the pay of a teacher for instruction.

*Referred Case 20 of 1875.*

Bylman Jankan Saib Vasthath v. Jenaka Raja Tever.

The following case was stated for the opinion of the High Court under Section 22, Act XI of 1865, by Mr. C. W. W. Martin, Acting Small Cause Court Judge of Madura.

Plaintiff sues defendant under an alleged verbal contract, whereby defendant was to pay him 15 Rupees per month for instructions in the arts of wrestling and fencing. The time at which he has laid the contract is from March 1st, 1873, to July 31st, 1873, and the question on which I request the opinion of the High Court, is whether Section 7 of the Limitation Act is the section applicable to the case.

The word generally applied to persons of such a profession in England is the word artist; but I find from the dictionaries, that artist is almost synonymous with artisan, and that "Manual dexterity" is the leading characteristic of both artists and artisans. If the complainant be held to be an artisan, the character of his employment with the defendant was such as to make his present claim to be for "the wages of an artisan," and I have found it to be so.

I enclose an extract from his deposition, to show how he stood with relation to the defendant. I also enclose, at defendant's request, a translation of a written argument he has submitted against my finding.

#### ENCLOSURE NO. 1.

Extract from the Judge's Book of Evidence of the Court of Small Causes of Madura, under date the 25th June 1875.

It is now two and a half years since the cause of action. The contract was on 1st March 1873. I was with Jenaka Raja on 1st March 1873. During the life of the Raja he often asked me to teach him, and after his death he agreed to pay me 15 Rupees per month. I used to go both morning and evening, and whenever he wanted I taught him. The contract was in his house in Ramnad. After I was appointed he was there one month, then for fifteen days he went away to Shivaganga, and never returned. Jenaka Raja had said that he would send me a money order for my pay, and he didn't send. I taught him up to the end of July. I only taught him three months in Madura, in Venkataswamy Naik's and in Meenatchi Naik's. I was dependent on him. Whenever he liked he could rescind the contract. Cross examined. I wasn't to take his orders, except for wrestling.

## ENCLOSURE No. 2.

TO THE JUDGE OF THE COURT OF SMALL CAUSES  
of Madura.

Motion presented, under Section 22, Act XI of 1865, by M. Vythenada Ayer, vakeel on behalf of plaintiff in Suit No. 599 of 1875 on the file of the Small Cause Court.

On the 26th June 1875, the Court passed an order to the effect that this case will be referred to the High Court, as it was asserted by defendant's vakeel and denied by petitioner (plaintiff) that the case fell under Article 7 of Schedule II of the Limitation Act. The plaintiff's case stands as follows:—

I. This suit has been brought by plaintiff as a tutor, against the defendant as a pupil, for recovery of the money being the consideration due by the defendant under a contract which he (defendant) made with his tutor (plaintiff).

II. The plaintiff has not done any work under defendant as a servant under a master.

III. It is alleged on the other side that the word 'artisan' is to be construed as embracing men like plaintiff skilled in the art of fencing, but the Article 7 cannot apply to the present case, where the parties stand in the relation of tutor and pupil as described above.

As it cannot at all be construed that the Article 7 applies to a suit brought by a teacher against his scholar for recovery of money which the latter engaged to pay the former for the education received in English, Tamil, and other languages, as well as for instruction in the art of singing and dancing, and there being no difference between such a case and the present one, he (petitioner) begs to submit that the present suit is not barred by the Limitation Act, and falls under Article 118 and not 7 of the Schedule II of the Limitation Act.

The Court is therefore requested to take the above arguments also into its consideration.

The High Court delivered the following

*Judgment:—16th August 1875.*

The 7th clause provides for suits "for the wages of a domestic servant, artisan, or labourer not provided for by this schedule, No. 4," and No. 4 relates to suits for wages, hire, or price of work under Act IX of 1860 ("to provide for the speedy determination of certain disputes between workmen engaged in Railway and other public works, and their employers"). In the case stated, the suit is for arrears of a monthly payment agreed to be made for instructions in fencing and wrestling. Such a suit is not, in our opinion, governed by the 7th clause, which applies to the wages of servants and labourers skilled and unskilled, but not to the pay of a teacher for instruction.

## HIGH COURT—BOMBAY.

[Appellate Civil Jurisdiction.]

WESTROPP, C. J., AND KEMBALL, J.

*Shilotri lands—Inamdar—Regulation I of 1808, Section 4—Right of Inamdar to raise the assessment on Shilotri lands—Prescriptive right of Inamdar to recover from Shilotridar the revenue formerly paid by the latter to Government.*

*Government, by an indenture dated the 25th January 1819, conveyed to A and B and their heirs and assigns certain villages in the Island of Salsette, with the exception of such spots of Shilotri tenure as might be therein, or on any part thereof, which could only become the property of A and B on their purchasing the same from the proprietors. Since 1819, the holders of these Shilotri lands had paid to the grantees and their heirs assessment (or rent) at a fixed rate which, before the grant, they used to pay to Government. In an action brought by an heir of A and B in 1868 to recover an enhanced rent or assessment levied on these lands:*

*HELD that the effect of an exception in the Indenture of 1819 being to throw upon the plaintiff the burden of proving his right to enhance the rent (or revenue), which he had failed to do, and Regulation I of 1808, Section 4, Clauses 1 and 2, containing admissions by Government (which then was the immediate landlord of the Shilotridars), that Government itself had no such right, plaintiff was consequently not entitled to raise the rent.*

*HELD also that though the language of the exception was so large that it might have been construed to exclude any right on the part of the grantees to receive rent (or revenue), yet that as the defendant or his predecessors had, ever since 1819, paid to the plaintiff and his predecessors the revenue paid before that time to Government, that revenue passed under the Indenture of 1819 to the grantees in the deed.*

S. A. 26 of 1873.

Dadibhai Jahangirji v. Ramji bin Bhau and others.

THIS was a special appeal from the decision of G. Ayerst, Assistant Judge at Tanna, affirm.

ing the decree of the Subordinate Judge of the same place.

The special appeal was argued before Westropp, C. J., and Kemball, J., on the 2nd September 1874.

*Macpherson* (with him *Shantaram Narayan*) for the appellant.

*Vishvanath Narayan Mandlik* for the respondent.

**WESTROPP, C. J.**—In this case, the sole question is, whether the plaintiff, who is *Inamdar* of (amongst other villages) the village of Dahisur or Dyenseer, in the Island of Salsette, is entitled to raise the rent (or revenue assessment) payable to him in that capacity by the defendant, who is the occupant of certain lands in that village. There was also in the Courts below a question whether the lands, the subject of the present claim, are *Shilotri* lands, which question has, in both of those Courts, been determined in the affirmative; and it has been admitted by the learned counsel for the appellant (plaintiff) that he cannot, on special appeal, dispute that finding. *Silotri alias Shilotri alias Shelowtr alias Serrotore* lands are mentioned in Section 4 of Regulation I of 1808 as follows:—

“ *First.*—There has existed from that time (the period of the acquisition by the British of the Island of Salsette (Sashti) in A.D. 1744 by conquest) a description of landed property, under the denomination of *Shelowtr* (called also *Serrotore*), and consisting of lands said to have been acquired by the natives on favourable terms of tenure, by purchase from their Portuguese masters, which property has been respected throughout the subsequent revolutions.

“ *Second.*—Another description of *Shelowtr* tenure consists of certain spots of ground gained from the sea by embankment, or brought into cultivation from the jungle or forest, at the personal expense of individuals, who have thence continued to pay thereon, in several instances, a fixed quit-rent without reference to the produce.”

Section 36 of the same Regulation in its 9th, 10th, 11th, 12th, 13th, and 15th clauses, and Section 59, take a distinction between *Serrotore* holdings of white batty ground (*chowka*) and *Serrotore* holdings of black batty ground, otherwise styled *khara* or salt batty ground, which is probably the same distinction as that taken in Section 4, already quoted. The 48th section of the same Regulation shows that Government, in making a grant of lands in the village of Powey and other villages in the same Island in A.D. 1799 to Mr. Helenus Scott, expressly excepted such parts thereof as were of *Serrotore* tenure, and, in that exception,

took no distinction between white and black batty ground.

The present plaintiff claims to be *Inamdar* as son of Jehangir Ardasir. Cursetji Ardasir and Jehangir Ardasir were the sons of Ardasir Dady, with whom Government had agreed to exchange the village of Dahisar and other villages in Salsette for certain lands in the Island of Bombay.

Ardasir Dady having died before that agreement was carried into effect, Government, by an Indenture of exchange, dated the 25th January 1819, executed in pursuance of that agreement, conveyed the village of Dahisur (which was there described as containing 27 parahs and 18½ adolies of black batty ground, and 197 morahs, 1 parah, and 6½ adolies of white batty ground) and the said other villages in Salsette to Cursetji Ardasir and Jehangir Ardasir and their heirs and assigns, “with the exception of such spots of *Serrotore* tenure as may be therein, or on any part thereof, which can only be the property of the said Cursetji Ardasir and Jehangir Ardasir on their purchasing the same from the present proprietors thereof.”

The Assistant Judge has not only found that the lands, the rent of which is sought to be enhanced by this suit, are *Shilotri* lands, but that they were so previously to the date of the Indenture of the 25th January 1819, which finding is admitted by counsel to be conclusive on this Court. The defendant, in his written statement, admits that, for upwards of thirty years before the bringing of this suit, he has paid assessment on his *Shilotri* land to the plaintiff at a fixed rate.

It is in fact now admitted on both sides, that the rate at which assessment on the defendant’s lands was paid to Government before the grant (in exchange) of Dahisir, &c., to the defendant’s ancestors in 1819, was 5 Rupees, 2 aunas, 2 pies, and that the same rate has been since paid to those grantees, without variation, down to 1863-64, when the attempt was made by the plaintiff to raise the rent in conformity with the new valuation then made by the survey officers of Government, and that there is not any evidence of any different rate having been at any time whatever paid by the *Shilotridars* (including the defendant) to Government.

Both of the Courts below have found that, under the above circumstances, the plaintiff is not entitled to raise the rent, and the question for our decision is whether or not that ruling is right in law.

The language of the exception in the Indenture of 1819 is very large, and might perhaps, in the absence of proof of payment of rent by the defendant and his predecessors, have been construed to exclude any right on the

part of the grantees even to receive rent (or revenue) in respect of *Shilotri* lands. The exception does not make any distinction between the *Shilotri* lands described in the first clause of Section 4 of Regulation I of 1808, and those described in the second clause of the same section, nor between white and black *Shilotri* batty ground, and in both of those respects the exception in the Indenture of 1819 tallies with the description given in Section 48, of the exception in the grant of 1799 of the village of Powey to Mr. Helenus Scott. The Regulation of 1808, however, shows that *Shilotri* lands (both of white and black batty) paid revenue to Government, and it appearing that, ever since 1819, the defendant or his predecessors in the *Shilotri* holding have not paid revenue to Government, but have, without question, paid regularly to the plaintiff and his ancestors the rent or revenue of Rupees 5-2-2, which had previously been paid to Government, we think we are bound to hold that the right to that revenue passed under the Indenture of 1819 to the grantees in that deed. But we are clearly of opinion that the effect of the exception was to preserve to the *Shilotridar* his rights over the land as they then stood, and that the burden is thereby cast upon the plaintiff to prove his right to enhance the revenue, and that he not only has failed to prove any such right on his part, but that the first and second clauses of Section 4 of Regulation I of 1808 contain admissions by Government (which then was the immediate landlord of the *Shilotridars*) tending to show that Government had not any such right. Under these circumstances, we must affirm the decree of the Assistant Judge with costs.

*Decree affirmed with costs.*

—*Bombay High Court Reports, Vol. XI., p. 162.*

[*Appellate Criminal Jurisdiction.*]

WEST AND NANABHAI HARIDAS, JJ.

*The Indian Evidence Act I of 1872, Sections 5, 11, 153, 155, and 165—Cross-examination of a witness after his examination by the Court—Trial by Jury—Evidence properly admitted withheld from the Jury—New trial.*

*The principle that parties cannot, without the leave of the Court, cross-examine a witness whom the parties having already examined or declined to examine the Court itself has examined, applies equally whether it is intended to direct the cross-examination to the witness's statements of fact, or to circumstances touching his credibility, for any question meant to im-*

*pair his credit, tends (or is designed) to get rid of the effect of each and every answer, just as much as one that may bring out an inconsistency or contradiction, Section 155 of Act I of 1872.*

*The statement of a witness for the defence, that a witness for the prosecution was at a particular place at a particular time, and consequently could not then have been at another place, where the latter states he was and saw the accused persons, is properly admissible in evidence, even though the witness for the prosecution may not himself have been cross-examined on the point, Sections 5, 11, and 153 (Illustration C) of Act I of 1872.*

*Where such a statement, after being admitted, was withheld from the Jury, the High Court ordered a new trial.*

*Reg. v. Sakharam Mukundji and three others.*

The four accused persons were tried and convicted of the offences of mischief by fire and being members of an unlawful assembly, by N. Daniell, Acting Session Judge of Poona, and a Jury, and sentenced, for the former offence, to five years, and for the latter to six months' rigorous imprisonment.

The material facts are as follows:—

The accused were charged with having set fire to a *Maharwada* of the village of Wahle. After examining several witnesses, the prosecution examined a witness named Kalu Satu. The defendant's Vakeel having declined to cross-examine him, the Session Judge asked him several questions, which elicited matter unfavourable to the accused persons. Their Vakeel thereupon requested the Judge to allow him to cross-examine him, with a view to test his veracity; but the Judge refused to allow him to be questioned, except on the matter already recorded in answer to the Court. The Vakeel did not avail himself of this permission.

After the close of the case for the prosecution the evidence for the defence was gone into. This included the evidence of witnesses Dhondu and Janaku, who, among other things, stated that two of the witnesses for the prosecution, named Savlia and Somia, were at Dhond Village, and not at the village where the fire took place at the time when they stated they saw the accused persons there. In the charge to the Jury, the Session Judge, with regard to the evidence of Dhondu and Janaku, observed:—"This as evidence to impeach the credit of the witnesses Savlia and Somia is inadmis-

sible; and as the alleged fact that they were in Dhond on that afternoon is not incompatible with their having visited Wahle, a neighbouring village, on the same afternoon, and as the witnesses Savlia and Somia have not been asked whether they were not at Dhond on that afternoon, this part of the evidence for the defence cannot be taken as contradictory of the alleged fact that the prisoners, or certain of the prisoners, were seen approaching, and at Savlia's house."

The appeal was heard by West and Nana-bhai Haridas, JJ.

*Leith* (with him *Shantaram Narayan*) for the appellants:—

The Session Judge was wrong in not allowing Kaln Satu to be cross-examined, and in withholding from the Jury the statements of Dhondu and Janaku.

*Dhirajlal Mathuradas*, Government Pleader, for the Crown.

The judgment of the Court was delivered by

WEST, J.—The objection on the ground of the Session Judge having declined to allow one of the witnesses to be cross-examined cannot be sustained. When the counsel for the prisoner has examined or declined to cross-examine a witness, and the Court afterwards, of its own motion, examined him, the witness cannot then, without the permission of the Court, be subjected to cross-examination. When, after the examination of a witness by the complainant and the defendant, the Court takes him in hand, he is put under special pressure as the Judge is empowered to ask any question he pleases, in any form about any fact relevant or irrelevant (Section 165, Indian Evidence Act); and he is, therefore, at the same time placed under the special protection of the Court, which may, at its discretion, allow a party to cross-examine him, but this cannot be asked for as a matter of right.

The principle applies equally whether it is intended to direct the examination to the witness's statements of fact, or to circumstances touching his credibility, for any question meant to impair his credit tends (or is so designed) to get rid of the effect of all his answers, and of each of them just as much as one that may bring out an inconsistency or contradiction. It is then a cross-examination upon answers—upon every answer given to the Court, and is subject to the Court's control.

The next point is that the Judge misdirected the Jury in telling them that the evidence of Dhondu and Janaku, who were called by the defence to contradict the statements of Savlia and Somia, that they saw the accused at Wahle when the Maharwada was burnt, is inadmissible. The Session Judge said that the evidence of Dhondu and Janaku that Somia and Savlia

were at Dhond (the latter witnesses having said that they were at Wahle) was not admissible to impeach their credit, and that as Savlia and Somia were not cross-examined by the defence, as to whether they were or were not at Dhond in the afternoon of the day the fire took place, and it was possible for them to have been during the same afternoon at both places, the statements of Dhondu and Janaku could not be considered to contradict the statements of these witnesses.

The rule of English law on this point is that the credit of a witness may, amongst other ways, be impeached by evidence of facts, contradictory of the evidence given by him. The express provision of the Indian law is less extensive. The witness's credit, it is provided, can only be impeached in certain specified ways (Section 155), that is, by questions or by testimony going directly to his credit, not mediately through a contradiction of the particular matter deposed to by him in the case.

In the present instance the Session Judge seems to have been mistaken in supposing that Dhondu and Janaku were called to impeach the credit of Savlia and Somia in the sense of the section of the Indian Evidence Act first referred to. They were called to contradict Savlia and Somia's statements. Their evidence, though not as to the fact in issue, was as to facts which in connection with other facts made the existence of a relevant fact, one immediately connected with a fact in issue, highly improbable; and under Sections 5 and 11 of this Act such testimony was relevant and admissible. If it is true, as Dhondu and Janaku allege, that Savlia and Somia were at Dhond till the afternoon of the day of the fire, it is highly improbable that Savlia and Somia could have left Dhond at about 11 A.M., or noon, and therefore highly improbable that the accused should have been seen by them at Wahle, as they assert, at about 1 P.M. The case is like that in Illustration (C) to Section 153 of the Indian Evidence Act, which shows that the admissibility of the testimony does not depend on the cross-examination of the witnesses to be contradicted.

The evidence having thus been properly admitted, it ought not to have been withdrawn from the consideration of the Jury, as it virtually was, by the Session Judge's charge. Its tendency was clearly to show that the alleged fact deposed to by Savlia and Somia of the accused having been seen by them at a particular time and place, was not one that had really occurred, and it ought to have been allowed to have its natural weight with the Jury. We must, therefore, order a new trial.

*Proceedings annulled, and a new trial ordered.*  
—*Idem*, p. 166.

## HER MAJESTY'S PRIVY COUNCIL.

## [MADRAS CASE.]

*Brahmin agraharum—Shrotrium.*

Where A, a Zemindar, sued to recover a village held by certain Brahmins as shrotrium, and it appeared that before the permanent settlement one of his ancestors had granted the village to these Brahmins in perpetuity—

HELD, that A could not recover the village from the Brahmins, nor could he assert that the grants made by a former Zemindar were void unless confirmed by his successors.

Judgment of the Lords of the Judicial Committee of the Privy Council on the appeal of *Stri Raja Vyricherla Raz Bahadoor v. Nadiminti Bagavat Sastri*, from the High Court of Judicature at Madras, delivered 19th November 1875.

*Present.*

SIR JAMES W. COLVILE.  
SIR BARNES PEACOCK.  
SIR MONTAGUE E. SMITH.  
SIR ROBERT P. COLLIER.

THE question to be determined on this appeal is whether the appellant, the Zemindar of Kurupan, is entitled to turn the respondents, who are certain Brahmins claiming to have an agraharum tenure in the village of Turakanayuduvalasa, out of possession of that village, and to recover the mesne profits from the time specified in the plaint. The case of the plaintiff is thus stated in the 9th paragraph of the plaint. He there says, "In the year 1857 I attained my majority, and took charge of the zemindary. The said village was until then enjoyed as a jeroyti portion of my zemindary for many years, and was severed therefrom only in the year 1857. It is therefore prayed that the Court may adjudge to me the jeroyti village of Turakanayuduvalasa (situated within the boundaries hereunder specified, and yielding at present an annual income of Rupees 1,000), together with the produce made over to the defendant by the Court, as also the produce subsequently enjoyed by him, with interest thereon, amounting to Rupees 39,577-13-4, as per schedule." The plaint therefore treats the restoration of possession to the defendants under a former decree, of which the execution was in 1855 directed by the Sudr Court to be made, as a species of trespass. It seeks to reopen the settlement of account made by or in conformity with that decree; and to recover back the sum

then paid, with subsequent mesne profits. The suit is brought, not upon any notice to determine an alleged tenancy at will, but as upon an act of trespass, giving a right of action from a particular time. It is difficult to reconcile such a claim with the admitted facts of the case, or to see how, upon any view of the evidence in the cause, the plaintiff could obtain the particular relief which he has prayed.

It is not their lordships' intention to follow Mr. Mayne through that wilderness of litigation in which they have been very clearly guided by him, the history of which does not present by any means a favourable picture of the administration of justice in the Presidency of Madras (or, at all events, in the district of Vizagapatam) during the greater part of the present century. It may be necessary hereafter to refer to some of those proceedings which have a peculiar bearing upon the points raised by the present appeal. It is sufficient, however, for the present, to observe that in 1861, when the former decree above referred to was finally executed, there was, as it were, a new point of departure.

The Brahmins were then reinstated, under the authority of the Court, in possession of their village; and recovered a certain portion of the mesne profits received by the Zemindar after the estate had been made over to him upon the taking off of the zust or attachment. The Zemindar, on the other hand, was left to assert what rights he had to impeach this agraharum tenure in a new and independent suit; and this suit, which was commenced in 1864, has been treated in the Courts below, and may here be treated, as one brought for that purpose. Nor, again, is it necessary to consider in detail the earlier stages of this new litigation, or in particular the proceedings in which his right, whatever it might be, was held to be barred by the decree obtained in 1807, because the High Court having rejected that view of the case, and also departed from the view which it had itself originally entertained, to the effect that the suit was barred by the Statute of Limitations, finally, by the order of the 26th March 1866, sent the parties back to trial on these two issues, viz., 1st, "Whether the defendant at the date of the suit held the village in question under the grant made to his ancestor before the date of the permanent settlement;" and 2nd, "Whether the defendant's holding under such grant was kattubadi or other tenure, subject to a fixed quit-rent which the plaintiff could not legally determine."

Now, as the case comes before their lordships, those two issues have been found by the two Indian courts which last dealt with them in favour of the plaintiff. Therefore, so far as they are findings upon matters of fact,

they are findings which this tribunal, in accordance with its ordinary rule, will not be disposed to question. As to the first issue, Mr. Mayne, in the course of his able argument, was almost constrained to admit that he could not impeach the correctness of it. The evidence upon which the Court came to its conclusion on the first issue depended in part upon two documents, of which the genuineness had been contested, but which both Courts have found to be genuine,—I mean the dombala of Mr. Webb on the 20th May 1800, which clearly treated the village as then held as an agraharum by the Brahmins, and directed that it should be relinquished to him on his paying the customary yearly shrotrium to the Zemindar of Kurupan of Rupees 150. That was followed by aputta, also found to be genuine, whereby the then Zemindar, or his guardian in his name, stated that, "As my ancestors have granted "to you the agraharum of Turakanayuduvalasa, "attached to our jaghire of Kurupan Taluk, "I again grant it to you as ekabhogam (entirely) "in the name of Shri Swami, fixing a shrotrium "(revenue) of Rupees 150. Therefore you and "your descendants may extensively improve "and enjoy it, paying the shrotrium (revenue) "every year, and bestowing blessings upon us. "He who maintains what another gives, gains "a virtue double that he gets by giving it "himself."

It seems to their lordships that the Court, finding those documents to be genuine, have rightly come to the conclusion that they establish the affirmative of the issue in favour of the plaintiff; that whatever may have been the original grant, of which the first seems to have been a grant absolutely rent free to the Brahmins, it must be taken that in some way or another the rights of the Brahmins had become modified to that extent; that they were to hold this village only subject to the payment of the shrotrium or fixed rent of Rupees 150; and that that was the state of things in 1800, and before the completion of the perpetual settlement of the zemindary.

That being so, the only question that would remain would be, whether the Court, finding that, was correct in coming from that conclusion and upon the other evidence in the cause, to its finding on the second issue, "that the defendant's holding under that grant was "kattubadi, or other tenure subject to a fixed "quit-rent, which the plaintiff could not legally "determine."

The principal ground upon which the correctness of that finding has been attacked is that it is conclusively shown by the lists of the zemindary property, upon which the perpetual settlement was made, that the village was entered in those lists, and must therefore have been treated in the settlement made upon them as a jeroyti village, and not as a shrotrium or

agraharum village. That raises the question, what is the effect of a mistake in this description of the village upon the second issue raised in this cause? That there was, in the proper sense of the term, a mistake, is reasonable to conclude from the dombala of Mr. Webb, because Mr. Webb appears to have been the collector who was taking a large if not the sole part in making the permanent settlement; and if he in 1800 was satisfied that this was a shrotrium village and directed that as a shrotrium village it should be delivered over to the Brahmins, he would hardly proceed consciously or intentionally to enter it as a jeroyti village in the settlement. But however that may be, the question is, what is the effect of the entry upon the interest of the holders of an agraharum tenure? Their lordships cannot find any authority for saying that it is conclusive against the rights of the tenants. They were not necessarily parties to the proceedings which resulted in the settlement between the Zemindar and the Government. It may be conceived that the Brahmins, as they said they were in fact, though the evidence does not support their allegation, might have been absent whilst the proceedings were pending. There seems to be nothing in the regulations, as their lordships read them, which would so conclude them. No doubt, if the village had been entered as a shrotrium village in the settlement papers, that would have been conclusive as to the rights of the Brahmins against the Zemindar, against the Government, against any purchaser at a sale for arrears of revenue, and, in fact, against all the world. But the Settlement Regulation XXV of 1802 does not contain anything which says that if the parties by carelessness or by accident allow their village to be misdescribed they are to forfeit their rights. It does not even say that all the shrotrium grants which then existed, and which were to be protected against future enhancement, were to be registered; and, on the other hand, that regulation is followed by a subsequent regulation of 1822, which declares that the provisions of the former regulation were not meant to define, limit, infringe, or destroy the actual rights of any description of landlords or tenants, but merely to point out in what way the tenants might be proceeded against in the event of their not paying the rents justly due from them, leaving them to recover their rights infringed, with full costs and damages, in the Courts of Justice. It cannot be said that as a matter of law and of right the parties have forfeited the interest which they would otherwise have in this tenure by reason of the misdescription of the village in the settlement papers.

It has, however, been agreed by Mr. Mayne that the insertion of the village as a jeroyti village at least affords the strongest presumption that the parties then knew that they had

not a good agrabarum, and of their acquiescence in that description as correct; but that presumption seems to their lordships to be rebutted by all that subsequently took place. They were first dispossessed some short time after the settlement in 1807. They immediately asserted their rights, and the decision of the Court, so far as it went, was in their favour. The effect of it was that the Zemindar had taken possession of the village forcibly, or, at all events, not under a judicial decision; and that, according to the law as laid down in the regulations, the only way in which he could interfere with the right claimed by the Brahmins was by a regular suit. Accordingly the Brahmins were again put into possession. The Zemindars for the time being seem to have acquiesced for nearly 20 years in that decision; and but for the decisions in India, by which it has been ruled that questions between landlord and tenant, and particularly questions of enhancement of rent, are not within the operation of the Statute of Limitations, there would have been no answer whatever to the proposition that the right of re-entry of the Zemindar, if it had ever existed, had been barred by lapse of time.

Their lordships are therefore of opinion that both the issues have properly been found in favour of the defendant.

There remains to be noticed the further question, which was raised by Mr. Mayne, viz., that these grants were, at most, grants by the Zemindar which could take effect only during the life of the particular Zemindar, and, unless affirmed by his successor, were voidable. Whether, assuming that proposition to be correct, the particular suit as it is framed could have been supported, may well be doubted. But their lordships have already intimated their opinion that this point, which was not taken in the present suit in the Courts below, is not open to Mr. Mayne upon the present appeal. They will not therefore say more upon it, than that it would have required strong authority to convince them that grants made by a Zemindar before the estate was permanently settled, and became subject to the rules which may have been laid down in the Madras Regulations as to subsequent alienations of this kind, were not binding upon the successors of the grantor.

Their lordships will humbly advise Her Majesty to affirm the decree of the High Court, which is the subject of the present appeal, and to dismiss the appeal with costs.

#### [BENGAL CASE.]

*Suit to recover land—Former decree—Identity.*  
A sued for possession of certain land which Government had resumed as lakeraj, and had subsequently settled with B. It appeared that in a former suit B had established his claim to the land, but A now contended that the claim established by B was to some other land, not the particular portion he now sued for.

*HELD, that the identity of the land sued for, and that to which B had previously established a claim, was fully proved.*

Judgment of the Lords of the Judicial Committee of the Privy Council on the appeal of Ranee Khujooroonaissa v. The Collector of Purneah and others, from the High Court of Judicature at Fort William in Bengal, delivered 23rd November 1873.

#### Present.

SIR JAMES W. COLVILLE.  
SIR BARNES PEACOCK.  
SIR MONTAGUE E. SMITH.  
SIR ROBERT P. COLLIER.

THIS suit was brought by Euayet Hossein, whom the Ranee, the present appellant, represents, and also by Syed Ahmed Reza, who is not represented at the present hearing, against the Collector of Purneah and Emritnauth Jha, and others, to recover possession of 3,700 beegahs of land in Pergannah Soorjapore. The Government was made a defendant because it had resumed the land as being lakeraj land in the possession of the other defendant Emritnauth Jha, and settled it with him. The suit, besides praying to have the right of the plaintiff to the land declared, and possession, sought to rescind the decision come to on the resumption proceedings. It appears that the plaintiffs are the proprietors of a zemindary in Pergannah Soorjapore, and Emritnauth Jha and his ancestors claimed to hold within that Pergannah, as lakeraj land, 3,965 beegahs. The Government thought they were entitled to resume the land, and inquiry was instituted at their instance. On the first inquiry it appeared that 265 beegahs were held as lakeraj by Emritnauth Jha or by the ancestors of Emritnauth Jha. The Government thought that was too small an amount to resume, but in the course of the inquiry, the Collector found reason to suppose that there was a much larger quantity of lakeraj land within the pergannah, and a new investigation was directed. Upon that investigation it was found that there was the large quantity, including the 265 beegahs,

of 3,965 beegahs. In the proceedings which took place to resume the land on the part of the Government, the plaintiffs intervened, claiming the land as part of their settled zemindary, and evidence was gone into on the part of the Government and of the ancestors of the present appellant and the respondent in support of their respective claims. The result of the proceedings was that the Government resumed the land—the whole 3,965 beegahs—and settled it with the respondent. The present suit was then brought, as has been already stated, to question the settlement, and for possession.

It appeared in the evidence given in the present suit, that there had been a former suit between the ancestors of the appellant and the ancestors of the respondent respecting this land, and a judgment of the 21st December 1808 was given in evidence. In that suit the parties were reversed. The ancestor of the present defendant was the plaintiff, and the ancestors of the present plaintiffs were the defendants, and the plaintiff in that suit complained that the defendants had taken possession of 500 beegahs of his bromuttur land. The answer of the defendants did not deny that the then plaintiff was entitled to bromuttur; on the contrary, their answer admitted that he was entitled to 3,965 beegahs of ancestral bromuttur land in the taluk, but their defence was that the 500 beegahs which he then sought to recover was not part of those 3,965 beegahs. They failed in this contention, and it was found that the defendants were in possession of the 500 beegahs which the plaintiff claimed. The finding was this:—"Upon trial it has been ascertained from the papers filed by the Ameen that 3,965 beegahs 16 bisvas of the plaintiff's ancestral bromuttur land, situated in Mouzah Budeannd, &c. in the said taluk, has continuously been possessed from time immemorial by plaintiff's ancestors and plaintiff under two sunnuds and chuckbund dated as above." These sunnuds are described to be one of the time of the Nawab for 265 beegahs, and the other of the time of Nawab Saif Khan for 3,700 begahs. "Now the defendants have dispossessed plaintiff of 500 beegahs in Mouzah Budeanud of land included in the boundaries stated in the chuckbund. Under these circumstances the plaintiff's suit appears true and just." There is thus a finding that the now defendant, the plaintiff there, was entitled to these 3,965 beegahs, and entitled to them under the two sunnuds. The Principal Sudr Ameen in the present suit did not find against the genuineness of that decision, but gave several reasons for not giving effect to it, which it is not necessary now to discuss. On the case coming on appeal before the High Court, a question was raised whether such a decision had really been passed, and the High Court appear to have taken great pains to ascertain the authenticity of the judgment.

They sent to the judge of Purneah to ascertain the state of the records in his office, and got a report from him. It seems also that the original book of records was sent up to them, containing the notes or copies of the decrees which were passed, and having inspected it, the judges of the High Court came to the conclusion that this decree was a genuine decree, which had been passed by the judge in the litigation between the parties in 1808.

That being so, the question arises, what is the effect of it upon this litigation? Their lordships entirely agree with the High Court that the effect of it is to establish that upon the trial of the issues which then took place it was found, either upon the evidence or upon the admissions of the present plaintiffs, that 3,965 beegahs of bromuttur or lakheraj land did belong to the ancestor of the present defendant, that land being situate in Pergunnah Soorjapore. It could not then be contended that if that decree applies to the land in dispute, full effect should not be given to it in this suit. The only answer that has been suggested to their lordships by the learned Counsel for the appellants is that the lands which were the subject of the decree of 1808 are not shown to be the same lands as those for which the plaintiffs are now suing. He says that there is evidence that the plaintiffs had been in possession of the lands for which they are now suing, and therefore it lies upon the defendants to show the identity of the lands which are the subject of this suit with those which were in question in 1808. Without saying where the burden lies, their lordships are perfectly satisfied upon the evidence that the lands which were referred to as the 3,965 beegahs in the suit of 1808 included those which are the subject of the present suit. It appears that the ancestor of Emritnauth Jha claimed the land in that suit under two sunnuds, the larger portion of the land, 3,700 beegahs (being the quantity sought to be recovered in this suit), under a sunnud of the Nawab Saif Khan. It appears that in the resumption proceedings, his ancestor's claim to those 3,700 beegahs was based upon the same sunnud, and was contested by the plaintiffs upon the ground that the sunnud was not genuine. Some proceedings in the resumption suit were referred to by Mr. Cowie, from which it clearly appears that Emritnauth Jha was in possession at the time when the Government commenced the resumption proceedings. Now the land of which he was then in possession, and which the present plaintiffs are now seeking to recover, is identified with the land which his ancestor claimed in the suit of 1808 by the sunnud of Nawab Saif Khan, which, both in the decision of 1808 and in the resumption proceedings, is made the foundation of his claim. The resumption proceedings refer to the decision of 1808, and

show that what the Government is dealing with are the lands which were included in that suit. Therefore the identity of the lands now sued for with the lands which were the subject of the decision of 1808 is satisfactorily established.

Upon a slight investigation of the evidence as to possession, it appears to be conflicting. The kaboolcats and the jumma wasil-bakees papers produced by the appellants,—the papers relied on to show his possession,—although credit was given to them by the Principal Sudr Ameen, were discredited by the High Court. Without those papers the plaintiffs have very slight evidence of having ever been in possession.

Their lordships being of opinion that the identity is clearly made out for the reasons they have stated, will advise Her Majesty to dismiss this appeal, and to affirm the decree of the High Court with costs.

#### OFFICIAL PAPERS.

##### CAOUTCHOUC PLANTATIONS IN ASSAM AND BENGAL.

*Proceedings of the Madras Government, Revenue Department, 30th September 1875.*

Read the following letter from A. O. HUME, Esq., C. B., Secretary to the Government of India, Department of Revenue, Agriculture, and Commerce, (Forests), to the Secretary to the Government of Madras, Ootacamund, dated Simla, 31st August 1875, No. 22/967 :—

I AM directed to forward, for information and communication to such of the Forest Officers in the Madras Presidency as take an interest in the subject, the accompanying copies of a Report by Mr. G. Mann, Officiating Deputy Conservator of Forests in Assam, on the Caoutchouc plantations in that province, and the yield of Caoutchouc from *Ficus elastica*, together with a Report by Dr. Schlich, Conservator of Forests in Bengal, on the success which has attended the raising of seedlings of *Ficus elastica* in nursery beds in the Darjeeling Division.

##### ENCLOSURE No. 1.

*Report on the Caoutchouc Plantations in Assam, and the yield of Caoutchouc from Ficus elastica.*

The last report submitted on this subject contained the results of the first attempt to plant *Ficus elastica* in Assam up to the end of March 1874, and this report will, therefore, record the results of the planting since that date.

2. The different opinions expressed during the year on the growth and yield of *Ficus elastica* have proved to me that facts regarding the nature of this tree, which I had considered clear and established, because I have had such constant opportunities of watching over and increasing my knowledge of the tree, still remain doubtful to others who have not had the same advantage, which induces me to report in greater detail now than I might have otherwise considered necessary.

3. The plaiting during 1873-74 was reported in the last report as Plantation of a failure on account of 1873-74. the lateness of the season when started and drought

of that year, whilst the nursery work, or the propagation of the plants in Spring 1874, was reported as a success up to that date.

4. This report on *Ficus elastica* may conveniently be arranged under three heads as follows :—

- (1.) The propagation.
- (2.) The growth in plantations.
- (3.) The yield.

5. The necessity for forming plantations of this tree having been recognised, no further remarks are required, except, perhaps, the statement that the protection of the Caoutchouc trees in the forests of Assam has again, during the year, been under the consideration of the Chief Commissioner, and the difficulties of protecting this valuable property prove to be almost insurmountable, scattered as these trees are through the forests; situated in the most inaccessible and unhealthy parts of the province, they have been the prey of tribes living near these localities, and may now be said to be almost a thing of the past.

6. Plantations will, of course, not be exposed to these risks, and can be easily managed by a comparatively small staff of Government officers.

##### I.—The Propagation of *Ficus elastica*.

7. Figs are, perhaps, of all the forest trees in India, the easiest to propagate; but for all this, the past year's experience has taught us that *Ficus elastica*, both as seedling and cutting, is very susceptible of injury from too much shade or drip from trees, causing excessive wet about its roots, which experience cost us a number of young plants, but thus established a fact which is of the utmost importance in the propagation of this tree.

8. The seed sown on the Charduar Caoutchouc plantation on the Propagation by nursery beds prepared Seed. with broken bricks, broken charcoal, and with earth only, as described in paragraph 19 of last year's report, germinated profusely on the 25th April

1874, having at first the appearance of cress, the cotyledons being very small.

9. The artificial shading over these seed-beds, however, caused drip and excessive moisture, which proved fatal to many of the seedlings before the cause of the mischief was recognised.

10. The number saved amounted, however, to about 1,200, which were, on an average, of the under-mentioned sizes as they grew:—

On the 27th June 1874,	$\frac{1}{6}$ ths of an inch.
" 12th Aug.	$\frac{1}{6}$ th inch.
" 10th Sept.	$5\frac{1}{2}$ ths inches.
" 21st April 1875,	2 feet 10 inches.

It should here be mentioned that the last of these was a seedling which had been left undisturbed in the seed-bed, and was exceptionally vigorous in growth.

11. The seed sown germinated most freely on the broken bricks, next

Germination of best on the charcoal, and Seed. least on the earth; and as

the seedlings grew, those on the broken charcoal succeeded eventually best of all, whilst those on earth perished, which, however, is due partly to the large trees left standing in the nursery and the artificial shade got up, for which there proved to be no necessity.

12. No perceptible difference was noted in the germination of the seed where the whole fruit had been sown and the fruit had been crushed, except that, in the former case, the young seedlings were very much crowded.

13. They are remarkably hardy as long as they are not exposed to too much shade and drip from above, causing excessive moisture about the roots.

14. During the last cold season most of them have formed a thick tuberous root resembling those of *Epiphytical rhododendron* and *vaccinium*, by which they, no doubt, are enabled to stand drought during the dry season much better than cuttings.

15. During February and March this year a large nursery, measuring 36,000 square feet, has been prepared in the

Seed Nursery of 1874-75. Chardnar plantation by raising beds four feet in width and one foot high, and covering them with 160 maunds of broken charcoal.

16. All trees had been cut down in this nursery, and no artificial shade of any description has been given to the seed-beds this Spring.

17. On these beds six maunds of seed were sown, the first of which germinated on the 18th April, and they look remarkably well.

18. A small quantity was also sown on earth alone to give this mode of raising seedlings a

further trial, since it is more economical than where charcoal is used.

19. About 400 seedlings were brought in by "Miris," which had evidently germinated on the ground, and these men affirm that the seed of *Ficus elastica* germinates freely on the ground wherever there is sufficient light.

Since these seedlings were fetched from the Akha Hills, immediately

Seedlings brought north of the Chardnar in by Miri villagers plantations, it is easily understood that the seed will germinate on steep hill-sides where there is light; whilst, for the same reason, in the dense evergreen forests along the foot of the hills this is a very rare occurrence.

That the seed of *Ficus elastica* will germinate and grow on the ground is further borne out by the young trees met with in Tea gardens, where the ground is kept clear.

20. At the Kulsi plantation in the Kamrup District seedlings have been raised in the same way on a small scale with much the same results.

21. The cuttings made in Spring 1874, and reported on in paragraph Propagation by 18 of last year's Caoutchouc Plantation Report,

suffered in a similar way from drip from the artificial shade and trees left as a precaution in the nursery, which has taught us the same lesson with regard to cuttings as with the seedlings.

22. This experience, after all, was very cheaply bought, since the cost of the nursery was trifling, and we managed to save 2,000 cuttings, which were sufficient for the plantation.

23. The best time for making cuttings in Assam is, no doubt, from Time for making the middle of January to Cuttings.

the end of May, it depending on the rain-fall during the latter three months which of the cuttings will do best; those made in 1874, after May, failed almost entirely.

24. The earlier in the season, before the young shoots to be used have started growth, the better chance they have of success, and at this time young terminal shoots will grow well; whilst after the trees, from which the cuttings are taken, have commenced growth, which happens about the end of January, the lower somewhat harder portion of the young branches succeeds better than the soft terminal shoots.

25. Only young and vigorous branches from lopped trees are used, Description of and they are cut 1' to 2' in Cuttings.

length, and are put three inches in the ground; all scrubby branches from old trees almost invariably fail.

26. The branches from young trees are still better than those of lopped trees, but these are rarely to be had now.

After our young trees are two or three years old, they will furnish any quantity of shoots best suited for cutting.

27. The making of the cuttings this Spring was begun in the end of January both at the Charduar and Kulsi plantations, and in the former it was continued until the 19th of March.

28. The beds for the cuttings were raised one foot high, all the paths between the beds being so constructed as to prevent water resting, and, as an extra precaution, the earth at the Charduar plantation was mixed with river-sand, since it is rather clayey, retaining moisture longer than suits the cuttings.

29. The nursery for cuttings in the Charduar plantation in the Darrang District prepared in this way measures 25,200 square feet, and at the Kulsi plantation in the Kamrup District a small nursery, sufficient to grow the cuttings for an extension of 30 acres, was prepared and planted.

30. The same artificial shading of grass was employed as last year, but was removed every afternoon and not replaced until about 9 o'clock in the morning, by which more light was ensured to the cuttings during part of the day, and they had the benefit of the night dew.

31. On the 7th of March the first rain fell at the Charduar plantation, and continued for some time, which opportunity was taken advantage of to harden off the cuttings and to remove the artificial shading entirely: until rain fell all were watered twice a-day.

32. The success of the harder cuttings has been general, whilst amongst the soft young shoots there have been many losses.

33. On the whole, the propagation from cuttings has this Spring been most successful, there being at the Charduar plantation 16,401 cuttings alive out of 21,213.

34. This is 22 per cent of failures, which is insignificant, considering that many of the cuttings were necessarily still inferior; young trees, which are the best for cuttings, being extremely scarce.

35. At the Kulsi plantation there are 1,790 cuttings alive and doing well, which is also much more than we require for this year's extension.

36. A small nursery has also been prepared with equal success at the Bamuni Hill plantation in the neighbourhood of Tezpur, for an extension of 10 acres this year.

## *II.—The Growth in Plantations of Ficus elastica.*

37. The first plantation of *Ficus elastica* in Assam extended over 18 acres, and was started on the right bank of the Kulsí river, about 30 miles west of Gauhati in the Kamrup District, adjoining the experimental Teak and Sissoo plantations, which are the head-quarters of the officer in charge of the Gauhati forest division.

38. The experiment became a failure from reasons explained in last year's Report on Caoutchouc Plantations, but the old lines have been replanted and 17 acres added, which makes the total area under plant in the Gauhati division 35 acres.

39. The method of planting adopted in The Kulsi Caoutchouc Plantation is the following:—

Lines 20 feet in width and 50 feet apart are opened out in mixed plain and savannah forest, and the trees are planted out on these lines at distances of 25 feet.

40. The plants in this plantation were examined by me on the 26th of April, and the countings showed 2 per cent. of failures, which were filled up the same day. Nothing could surpass the healthiness and vigour of the young trees, whose only enemies are the deer, which has made fencing necessary, but the plants will soon have grown beyond the reach of them.

41. Besides this, 30 acres have been prepared for planting during last cold season, but, as the weather up to the end of April was very dry, the planting is only being done now, and these 30 acres have, therefore, not been brought on the register of area of Caoutchouc plantations before the end of the financial year 1874-75.

42. This locality was not chosen for the first plantation because it was well suited, but on account of the season being far advanced, and there was a Forest Officer on the spot to look after it.

43. Kamrup is, compared with other districts in Assam, dry, and it is not intended to have Caoutchouc plantations on a large scale in this district on this account, since the yield will be proportionately small.

44. All land in the Kulsi plantation reserve, not suited for timber plantations, will thus be made use of for Caoutchouc plantations, which will make the total area about 100 acres. This will furnish a field for experiments in tapping, and enable us hereafter to draw comparisons between the yield of Caoutchouc from trees in this district and that from the more favorably situated Charduar plantation at the foot of the Himalayas in the Darrang District, 18 miles north of Tezpur.

The Charduar Caoutchouc Plantation.

45. The latter plantation extended over an area of 180 acres in the year 1873-74.

The plants in this plantation were examined by me on the 21st of April 1875, and the countings made all through the plantation showed  $3\frac{1}{2}$  per cent. of failures.

In addition to this 140 acres more have been got ready, and another 60 acres are in course of clearing for plants.

None of this area has, however, been planted, since the rains will be more suited for this work, and no additional area has, for the above reason, been brought on the register of area of Caoutchouc plantations before the end of 1874-75.

46. The method of planting adopted in the Charduar plantation was the following:—

Lines 20 feet in width and 100 feet apart were opened out through lower hill forest, and trees were planted out on these lines at distances of 50 feet.

47. The width of the lines proved insufficient as soon as the rains set in, and the excessive shade and drip from the trees on either side of the line proved injurious, and in many cases fatal to the plants.

48. The plantings on split stumps of trees and in earthenware rings, placed with the widest opening on stumps, was suggested by the Chief Commissioner, and proved very successful in low situations, counteracting the excessive wet on the ground; but vigorous growth was not insured until more light was admitted.

49. All the lines of last year's plantation were, therefore, opened to forty feet in width, and the effect on the young trees has already been most beneficial, so that, although it is only the commencement of the growing season, nothing could surpass the vigour and healthy appearance of the trees, and, so far as the planting on lines opened out through the forest goes, it certainly is a perfect success.

50. The ground on those lines is not cleared except just around the plants, but the opening out of bridle-paths has become necessary to save time in going over the plants, since frequent inspection is the only way to prevent any vacancies remaining in the plantation.

51. The growth of low jungle or scrub in these lines has neither been such as to necessitate subsequent clearing.

52. The opening out of these lines to double the width has, however, doubled the cost of this, the chief work in the plantation, and since the daily increasing demand for labor on the Tea gardens, has induced the planters to pay absurdly high wages, thus making local labor, which only is suited for the Caoutchouc plantation work, scarcer every day.

53. For this reason experiments have been started to plant the young Planting in the trees in strongly-made forks of Trees. cane baskets and to place these in the forks of trees.

54. Only seedlings are used for this mode of planting, since they soon form thick tuberous roots, and thus become more fit to combat the comparative dryness to which they are exposed in the tops of trees in the dry season.

55. The first of these were planted on the 25th January in trees near the nursery, and on the 21st April they looked everything that could be desired.

56. This mode of planting would only necessitate a small bridle-path being opened through the forest instead of lines forty feet in width, and is estimated to reduce the cost of the creation of Caoutchouc plantations on a large scale, including survey, formation, conservation, roads, buildings, and salaries, from Rupees 10 to Rupees 5 per acre.

57. The only objection to this plan is the difficulty of inspection, and without constant examination of the plants no satisfactory results can be reckoned on.

This I hope to overcome by having every line numbered, and every tree on which a Caoutchouc plant has been placed, marked. These lines will then be regularly gone over at least once in two months, and the result placed on record in the plantation journal.

After a year or two, the plants will be sufficiently large to render the climbing of trees unnecessary, which latter will be the only difficult task in the examination of the plants, but it is considered of such importance during the first year or two, as to justify high pay to the men who have to do this work.

58. It is hoped to bring during these rains 50 acres under cultivation in this way, and thus to obtain results on as early a date as practicable.

59. This mode of growing *Ficus elastica* it is intended to introduce only on the ground of economy and the growing scarcity of labor, and not because it is believed that this tree grows naturally as an epiphyte only, for trees which germinated on the ground are said to be not at all rare in the Akha Hills north of the Charduar plantation, and the Caoutchouc collectors, who go beyond the British boundary into these hills, will have it that such trees, although few in number, grow larger than those which commenced life as epiphytes between the branches of other trees.

60. I myself have never seen but one tree which had undoubtedly *Ficus elastica* germinated on the ground, grown in the Soil. but then the want of light in the dense forests along the foot of the hills renders it impossible for

trees to grow in this way, as proved by our seed experiments.

61. The only one specimen above mentioned which ever I saw had a true stem, cylindrical in shape, and measured 16 feet in girth 30 feet above the ground; but this had not prevented the tree from throwing out great numbers of aerial roots descending from branches 50 feet above the ground.

Some of these aerial roots measured 6 to 8 feet in girth at distances of 20 feet from the stem, and had established themselves firmly in the ground like the tree itself.

62. Neither does *Ficus elastica* in Assam, if planted in the ground, remain smaller or more destitute of large aerial roots than trees which grew first as epiphytes, as has been stated.

63. The measurements given below will show that the epiphytic growth of a *Ficus elastica* is not by any means essential, for, after all is done and said, this tree is only epiphytical in early life for a comparatively small number of years, after which it has its roots in the ground like any other tree.

64. Natives will have it that the aerial roots of young *Ficus elastica* in the Charduar reach the ground in the third year.

65. To corroborate the above, and to ascertain the distances at which the young Caoutchouc trees should be planted, inquiry was instituted regarding the age of the largest tree planted in Tezpur, and measurements made of this tree, which were as follow:—

Age of tree ... ... ...	32 years.
Height of tree... ... ...	110 feet.
Diameter of crown ... ...	140 "
Circumference of the centre mass of aerial roots surrounding the stem ... ...	70 "
Distance of outermost aerial roots from stem ... ...	30 "

There were over a hundred aerial roots, the five largest of which measured each respectively 6 feet, 4 feet, 4 feet,  $3\frac{1}{2}$  feet, and 3 feet in girth 5 feet above the ground.

66. These measurements show the size and rapid growth of *Ficus elastica* planted in the ground in Assam, which, in the forests at the foot of the hills, must be even much greater than in the station of Tezpur, and is not less than that of epiphytic trees.

67. As the roots spread out in the soil very near the surface to a distance of 150 feet and more, and form a thick network, it is considered close planting will seriously interfere with the free development of the roots and growth of the young Caoutchouc trees, and unless vigorous growth is ensured, no yield of Caoutchouc can be expected.

68. It is, however, intended to have the trees on all the area at present under cultivation planted at 25 feet distances in the lines instead of 50 feet, so as to have a number of young trees available for experiments in tapping to ascertain the yield from young *Ficus elastica*. It is thus intended to have every alternate tree killed by tapping at the time they begin to interfere with the growth of those it is intended to let grow to maturity.

69. The tree measured in Tezpur is exceptionally large, and to all appearance not only healthy but luxuriant; but for all this it yielded next to no Caoutchouc when permission was given by the proprietor to one of the traders in the bazaar to tap it.

70. This latter fact I do not attribute, as Dr. Schlich, the Conservator of Forests, Bengal, and Dr. King, the Superintendent of the Calcutta Botanical Garden, do to the fact of the tree having originally been planted in the ground, but to the locality in which it grows, which will be further remarked on under the head of yield of *Ficus elastica*.

71. The above fact of this luxuriant tree in

Tezpur not yielding any Selection of Localities for Plantation.

Caoutchouc, and similar results of experiments in tapping trees in Gaubati made by me, point to the

great necessity for a most careful selection of the localities for Caoutchouc plantations, and no greater mistake could possibly be made than to start plantations of *Ficus elastica* in any part of Bengal with the view of producing Caoutchouc, as suggested by Dr. Henderson, or to draw any conclusions regarding the way it should be cultivated from the appearance of trees planted in Bengal, for, although the trees will grow in any part of Bengal, Caoutchouc there would be next to none.

72. To insure a sufficiently large area of land being maintained as forest for Caoutchouc plantations, proposals for the reserving of an area of about 140 square miles in the Charduar, north of Tezpur, were submitted in Spring 1873, and are now under the consideration of the Chief Commissioner.

73. Experiments of planting *Ficus elastica* on a small scale in grass land are carried on by order of the Chief Commissioner in the neighbourhood of Tezpur, to obtain results hereafter regarding the yield of Caoutchouc from trees in this locality, as compared with the yield from trees at the foot of the Himalayas.

74. Ten acres were thus brought under cultivation by planting at distances 25'  $\times$  25'; no vacancies exist, and the plants, though small as yet, look very healthy.

75. Nahor (*Mesua ferrea*) has been planted between the young Caoutchouc trees.

76. Close planting in this case is resorted to, to bring about on as early a date as possible

a perfect cover on the land, and thus extirpate the grass, insure the formation of vegetable mould, the moisture of the soil, and the surface sufficiently open to atmospheric influences, which conditions are insured in the Charduar plantation by leaving part of the forest standing.

77. The general conditions required for the healthy and rapid growth of the young trees of *Ficus elastica*. detailed above are these:—

- (1st.) Perfect drainage about its roots and looseness of soil so as to admit the air readily, the geological composition of the soil not affecting the trees as long as the above conditions are fulfilled; but it should not be gravel or sand, since all Caoutchouc collectors state that it produces much smaller quantities even in the best localities.
- (2nd.) Plenty of light without decreasing the moisture of the air by the admission of it.
- (3rd) Heat and moisture combined, or what is commonly termed a close and steamy atmosphere.

78. The districts in Assam suited for Caoutchouc plantations are—

1. The Darrang District.
2. The Naga Hill District.
3. The Lakhimpur District.

79. The south of the Cachar District would be suited, but the comparatively unsettled state of the Looshai boundary would not render such a measure for the present at least advisable.

80. None but the moist evergreen forests along the foot of the mountains should ever be chosen for Caoutchouc plantations.

81. In the Kulsi plantation no separate establishment has been entertained for this particular work, but the Caoutchouc plantation is debited with one-fourth of the cost of the whole plantation establishment.

82. The area of the Caoutchouc plantation at the Kulsi at the end of 1873-74 was 35 acres, on which an expenditure of Rupees 377-13-0, or Rupees 10-12-8 per acre, had been incurred up to that date.

83. The area got ready for planting last year at the Kulsi is 30 acres, which, together with improvement and conservation of the plantation of 1873-74, cost during the financial year 1874-75 Rupees 605-14-0, or Rupees 15-2-1 per acre for two years, which has become so high on account of the nursery, the greater part of which, and especially the seed nursery, was destroyed by floods last year, and the great difficulty in procuring suitable branches for cuttings in this locality.

84. The establishment entertained at the Charduar Caoutchouc plantation, including the small Caoutchouc plantation near Tezpur, was the following:—

1 Mohurir on Rs. 14 per mensem, for 9 months.			
1 " " 20 "	" 2 "		
1 Watcher on " 7 "	" 9½ "		

85. The area of the Caoutchouc plantation at the end of 1873-74 was 180 acres, on which an expenditure of Rupees 415-3-6, or Rupees 2-4-10 per acre, had been incurred up to that date.

86. The area planted in 1874-75 was ten acres near Tezpur, and 140 acres have been got ready for planting at the Charduar plantation.

87. In addition to this, all the lines of last year's plantation have been opened out to double the width, bridle-paths been opened out along each line, the plants been fenced in, and large nurseries for cuttings and seedlings been prepared, the cost of which, during the financial year 1874-75, was in the abstract as follows:—

	RS. A. P.
Demarcation	43 11 0
Formation	2,084 3 0
Protection from fire	24 12 0
Improvement and conservation	505 6 3
Fencing and enclosing	193 9 6
Roads and bridges	205 10 0
Buildings and offices	607 2 0
Salaries	232 10 0
Total...	<u>3,896 15 9</u>

or Rupees 13-1-0 per acre, for two years, which is also above the average cost on account of buildings, roads, and bridges, as well as the large nurseries which had to be prepared at starting.

88. For all this the cost of the Caoutchouc plantations, even at Rupees 10 per acre as now estimated, is very small compared with other plantations.

89. The cost per acre if planted in baskets to be placed in trees, is estimated at Rupees 5, but as the experience gained in the latter mode of planting is as yet small, this estimate must be considered subject to correction hereafter.

90. The head-quarters of the divisional Forest officer in the Gauhati division are on the Kulsi plantation, and that of the Caoutchouc Officer in charge of the Plantations. Tezpur division, at the Barolighat, a distance of 5 miles from the Charduar plantation, so that in either case competent supervision throughout the year is given to this work.

*III.—Yield of Ficus elastica.*

91. Amongst the different conditions on which the yield of the *Ficus elastica* depends stands foremost the locality in which it is grown.

92. When first inquiring in 1869 from the Caoutchouc collectors into the yield of the tree in different localities, I was informed that it would yield most in the hills, next best immediately at the foot of the mountains, and that this yield diminished according to the distance from the hills the Caoutchouc tree was growing in the open country or even on the banks of the Brahmaputra, where, I was informed, it would yield little or none.

93. It was in accordance with this information that the Charduar plantation was started, as being in one of the most favorable localities in Assam.

94. Subsequent and frequent inquiry has been made on this subject, and the collectors now say they get more at the foot of the mountains than in the hills.

95. Whichever is the correct statement, the difference in quantity yielded by trees growing in the plains along the foot of the mountains and those growing on the lower hills is but trifling, if not entirely imaginary; whilst, as the forests along the foot of the mountains are left and the open country is entered, the quantity diminishes very rapidly until on the banks of the Brahmaputra, in the stations of Tezpur and Gauhati, as mentioned above, trees which had not been tapped before were tapped without yielding any Caoutchouc worth speaking of, thus substantially proving the above information to be correct.

96. The next question raised during the last year is, will *Ficus elastica*

*Yield from Stem Roots of Ficus elastica* yield equally if tapped from the stem or aerial roots? On this point, in Assam at least, no doubt ever existed.

The collectors state that there is no difference whatsoever, but that if they dig up the ground and thus get at the roots in the ground, that the latter will give more.

97. My own observations are that Caoutchouc collectors will go to the utmost extremity of the branches at the risk of their lives to procure Caoutchouc, and that the quantity will only vary according to the place first attacked; if this is commenced at the upper branches, the greater quantity will be obtained from there; if at the roots in the ground, as I regret to say is done in most cases, the largest quantity will be obtained from these.

98. I have always looked on the formation of aerial roots as one of the greatest advantages in favor of the cultivation of *Ficus elastica*, since the facility with which these are thrown out enables this tree to recover itself much faster than other Caoutchouc trees with only a single stem.

99. I do not wish to affirm by the above remark that I do believe in surplus milk, or that a vigorous tree receives through one stem less sap than through many stems; on the contrary, a tree in health will always produce as much sap as it requires, no matter if through one or many stems or roots; but if by tapping the actions of roots or stem are interfered with or rendered impossible, *Ficus elastica* will, by making new roots, adjust this quicker than a Caoutchouc tree with a single stem only.

100. On the other hand, the great number of aerial roots enable the collector to overtap a *Ficus elastica* more than any other Caoutchouc tree, as the surface exposed is greater, but this can be easily controlled in the plantations when the trees are ready for tapping.

101. If the *Ficus elastica* is planted in the ground, or germinates in the fork of a tree, it makes but little difference to the size or number of aerial roots formed after, especially if grown, as is done in the Charduar plantation, where part of the forest is left standing between the lines of Caoutchouc trees, by which an excessively steamy atmosphere is ensured; in such localities the aerial roots will always correspond in size and number to the size of the tree.

102. A single-stemmed *Ficus elastica* without any aerial roots of large size has never been seen by me in Assam, except in stations where every boy takes a pleasure in hacking about the tree wherever he can get at it.

103. The size which *Ficus elastica* will reach if planted in the ground (in Assam) has been exhibited in the measurements given above of the oldest planted tree in Tezpur.

104. After a year or two, when the natural trees in or about the Char-Duar plantation have recovered, we shall be able to collect accurate information as to the yield per tree.

105. The information we have about the yield of trees and climbers producing Caoutchouc in other parts of the world is so vague, that even after we have ascertained the yield of *Ficus elastica* we shall not be able to draw comparisons.

106. It has been stated that a tree of *Castilloa*, 18 inches in diameter, will give 20 gallons of milk; this certainly *Ficus elastica* will not give, but I must admit that my knowledge of vegetable physiology does not permit me to believe this of *Castilloa* either, at least not oftener than once.

107. As to the *Urceola elastica*, yielding Caoutchouc in the third year, *Ficus elastica* will

do this also; but for all that I consider it would be very imprudent to tap trees before the age of 20 years.

108. The most favorable time for tapping certainly is January, February for tapping, and March, when the milk runs abundantly, and is superior to that collected in the rains.

109. There are two varieties of *Ficus elastica*, the "Bogi-Bur" and the Varieties of *Ficus* "Shika-Bur," the former of which is said to be slightly superior, but the difference is not such as to render it advisable to confine planting to this variety only.

110. There is no doubt room for improvement in the manufacture Manufacture and Collection of Caoutchouc, and experiments have been started with a view to insure this.

111. The task which Forest officers in Assam have set themselves to perform, however, is, in the first instance, to propagate and grow *Ficus elastica*, which has been done most successfully so far, considering the past year was only the second year of these experiments; and the manufacture of superior Caoutchouc will be tried during the coming season as far as the exhausted state of the trees permits.

112. The climber in Cachar giving Caoutchouc was searched for and examined; good botanical specimens could not be got at the time, but it is hoped will be procured during the coming year.

The quality of the Caoutchouc is extremely inferior, there being no elasticity at all in the substance.

(Signed) GUSTAV MANN,  
Offg. Dy. Conservator of Forests, Assam.

#### APPENDIX.

From Dr. W. SCHLICH, Conservator of Forests, Bengal, to the Secretary to the Government of Bengal, dated Darjeeling, 26th May 1875, No. 87C.

In reply to your endorsement No. 2013, dated 17th July 1874, forwarding letter No. 736, dated 7th July 1874, from the Government of India, Department of Revenue, Agriculture, and Commerce, I have the honor to submit, for His Honor the Lieutenant-Governor's information, the following remarks regarding the raising of seedlings of *Ficus elastica* in nursery beds, as carried out by Mr. Gamble, Assistant Conservator of Forests, in charge Darjeeling Division.

2. At Bamunpokri nine nursery beds were prepared, three with common garden soil, three

with broken bricks, and three with charcoal, and all intersected by irrigation trenches, thus keeping the soil thoroughly moist by percolation. The seed was collected in September 1874, and sown in that month and in October, partly in whole figs, and partly crumbled up by the hand. The beds were then shaded by thatch, raised two feet above the ground on the south, and three feet on the north, and the sides were closed in with mats which could be removed at will.

3. From four to six weeks after sowing the seeds germinated profusely, best of all in the garden soil, next best on the broken bricks, and last, though still pretty well, on the charcoal; they have thriven well, and are now up to five inches high, with leaves up to two inches long. On the whole, therefore, it may be said that little or no difficulty has been experienced in raising seedlings of the *Ficus elastica*. When of a sufficient size they will be planted out, some in the ground, and some on useless forests trees, and I hope to report further on the result of the experiment after another year.

Endorsed by the Government of Bengal, dated 10th June 1875, No. 1937.

Copy submitted to the Secretary to the Government of India, Department of Revenue, Agriculture, and Commerce, for information, with reference to his No. 736, dated 7th July 1874.

Order thereon, 30th September 1875, No. 1443.

Communicated to the Board of Revenue and to the Inspector of Forests for information.

(True extract.)

(Signed) L. A. CAMPBELL,  
Under-Secretary to Government.

#### TASAR SILK.

Proceedings of the Madras Government, Revenue Department, 10th January 1876.

Read the following Extract from the Proceedings of the Government of India in the Department of Revenue, Agriculture, and Commerce, (Fibres and Silk), dated Calcutta, 23rd November 1875, No. 5/156-165:—

Read the following papers on the subject of the development of an industry in the silk of the tasar and other wild silk-spinning worms of India:—

Letters to the Government of Bengal and the Chief Commissioner of the Central Provinces, Nos. 244 and 246, dated the 26th and the 28th September 1872.

Letters from the Chief Commissioner of the Central Provinces, Nos. 1234-63 and 1733-83, dated the 12th April 1873 and the 28th May 1873.

Despatch to the Secretary of State, No. 6, dated the 23rd June 1873.

Despatch from the Secretary of State, No. 14, dated the 11th March 1875.

Despatch from the Secretary of State, No. 32, dated the 17th June 1875.

Read also the following correspondence relative to the experiments conducted by Captain Coussmaker in the matter:

Letter from the Government of Bombay, No. 4128-113C, dated the 24th October 1872.

Letter from the Government of Bombay, No. 4197-153, dated the 26th December 1872.

Letter from the Government of Bombay, No. 2754, dated the 23rd September 1874.

Letter from the Government of Bombay, No. 1520, dated the 19th May 1875.

Letter to the Government of Bombay, No. 55, dated the 4th June 1875.

#### RESOLUTION.

For some years past the attention of Government and of private individuals has been given to the possible development of a profitable industry in the silk of the undomesticated silk-spinning worms of India, the most important of these being the *tasar* (*Antheraea Paphia* and other varieties).

2. The worm abounds in most forest tracts in India. Mr. Geoghegan (page 110 of his Account of Silk in India) says that it is found "in the Sub-Himalayan tracts almost throughout the extent of the range, through the hills from Assam to Chittagong, in the Stundarbans, everywhere in the great belt of hill and forest inhabited by the Santal, the Kol, the Khond, and the Goud, in the Western Ghauts, and in portions of the Madras Presidency." Captain Coussmaker says he has found it in the jungles between Tanna and Ankola (Bombay Presidency), a distance of 330 miles, and he has reared the worm successfully in the three districts of Satara, Kolhapur, and Dharwar. The worm also abounds in the tract between the Burrakur and the Soane (Bengal Presidency), a tract of country measuring 200 miles in length by 80 miles in width, and it is largely distributed in the districts of Gurdaspur and Sialkot and in the Jummoo territory.

3. Hitherto the worm has ordinarily been confined to the jungles, but Captain Coussmaker's and other experiments seem to prove that it is quite capable of domestication. Its habitat, however, is undoubtedly the jungle

tracts, and, owing to this and to the collection of the cocoons having hitherto been left entirely to certain classes of aboriginal tribes inhabiting the forests, there are no accurate data on which to found an estimate of the supply available. It seems clear, however, that even now the supply is more than equal to even a greatly increased demand, and that this supply is capable of indefinite extension.

4. At present there is practically no demand in the European market for this silk, except in the shape of fabrics prepared in this country, and for these the demand is limited. Whether it is possible to create a sufficiently large demand to remunerate outlay on the part of Government is a question which cannot yet be positively answered, but the probabilities are in favor of the creation of such a demand if certain difficulties, hereafter to be described, can be overcome.

5. In 1872 Captain Coussmaker, an Assistant Superintendent in the Bombay Revenue Survey, who had for some years given his attention to this matter, had some *tasar* silk reeled off and woven into fabrics, under his superintendence, in the Dharwar jail. Samples of these fabrics were sent by the Government of Bombay to the Government of India, and were sent by them for report to Calcutta, where the samples, especially a twilled kind, were much approved. In connection with the report on these samples, it was stated to the Government of India that certain difficulties connected with the reeling and dyeing of the silk, which had hitherto operated to prevent the creation of a regular and extensive trade in *tasar* silk, had recently been overcome in Italy. Copies of the papers were sent to the Governments of Bombay and Bengal and the Central Provinces for information. The Chief Commissioner of the Central Provinces having asked to be furnished with particulars of the processes of the reeling and dyeing said to have been discovered, Her Majesty's Secretary of State for India was requested, in despatch No. 6, dated the 23rd June 1873, to cause inquiries to be made in England and the large centres of silk manufacture on the Continent, and to communicate the results. While this inquiry was being originated by the Government of India, Captain Coussmaker went on leave to England, proposing, with the concurrence of the Government of Bombay, to devote some time to inquiries into the subject.

6. A reply to the despatch to Her Majesty's Secretary of State has now been received, and the result of Captain Coussmaker's inquiries has also been embodied in a letter to the Government of Bombay, of which a copy has been communicated to the Government of India. The outcome of the researches made is as follows:—

From the papers received from the Secretary of State it appears—

(i)—That a person at Lyons, unnamed, holding the position of chief chemist to the firm of Guinon and Picard, manufacturers of chemical products at Lyons, has discovered how to reel and dye tasar silk. The reeling process, he states, is thoroughly inexpensive. He has submitted samples of the results of his process to Mr. Haden, British Vice-Consul at Lyons, and this gentleman pronounces them to be "really remarkable," adding that "he has reason to believe that if experiments carried on under inspection resulted in similar success, the Government of India would possess the information it desires." The dyeing process the inventor declares to be absolutely successful, "except as to one point, which he thinks could be satisfactorily dealt with." The inventor has patented his processes in France, and would require similar protection in Italy, Great Britain, and India, before doing anything for the Government of India. He declines to come to India, and he expects a fixed sum (not stated) for communicating and practically demonstrating all he knows about the matter.

(ii)—The Vice-Consul at Lyons has also been in communication with a person named Chalon, a worker in velvet at Beaurepaire in the Department of the Isère, who professes that he can reel off a thread a thousand metres (nearly 1,100 yards) in length from the unpierced cocoon. This person also requires a fixed sum before imparting the secret of his process. The Vice-Consul adds that this is probably the process to which the Government of India referred to in its letter to the Secretary of State.

(iii)—The Consul at Genoa has been in communication with, amongst others, Mr. Mylins, a silk manufacturer at Buffalora, who has tried experiments in a small way, but without much success. He says, however, that no serious trials have yet been made with tasar, and expresses his willingness, if the Government of India will send him a parcel of cocoons, to make a series of experiments with them. The Consul says that Mr. Mylins's standing and reputation are unexceptionable, and his works on a large scale.

(iv)—The Consul has also heard of an invention patented jointly by Mr. Gaddum of Latour and Mr. Bosshardt of Turin for carding the silk produced from difficult cocoons. It appears that tasar cocoons have been successfully treated by this process.

(v)—Mr. Thomas Wardle, a silk dyer of great experience, states that he has discovered a way of dyeing tasar silk in brilliant colors, and of giving it the lustre of Chinese silk. Mr. Wardle is ready to continue his experiments and also to teach his process to natives of India. It is not stated whether this gentle-

man is ready to come to India, and on what terms, but the Secretary of State has asked to be furnished with samples of dye-stuffs, and of tasar and other wild silks, so that Mr. Wardle may be in a position to continue his experiments. Local Governments have been asked to supply these samples.

7. Captain Coussmaker's inquiries in regard to reeling in England have been unsuccessful. Messrs. Mason and Company, silk spinners, have bought this and other wild silks as "waste," and have carded it, and Messrs. Lister and Company, of Bradford, are ready to take a large supply of pierced cocoons for the same purpose, converting them into spun silk, but no English manufacturers seem to have attempted, or to be disposed to attempt, the reeling of the unpierced cocoon. But Captain Coussmaker succeeded, by the good offices of Chevalier G. Jervis, Conservator of the Royal Industrial Museum at Turin, in inducing an Italian spinner to try experiments, with the result that the silk can, it is stated, be reeled at a cost of something over £2 per cwt. of cocoons. If this is actually the case, the rate is extremely low, but there is probably some mistake in the figures. The firm, which is not named, say that the reeling can be done much cheaper eventually after perfection of the process and adaptation of the machinery to this particular kind of silk. The specimens thus reeled were valued in London at from 1s. to 2s. per lb. more than the samples reeled at Dharwar by Captain Conssmaker, and these were in Calcutta thought very good, and in London were considered equal to anything of the kind sent from India and China.

8. In addition to the results thus obtained, reference has been made direct to the Government of India by Mr. Jules Deveria of Rangoon, Baulen, who states that he has discovered a process of reeling tasar in an ordinary filature. The sample of the skein of the silk which he reeled under this process was not entirely successful, and a report obtained on it by the Bengal Chamber of Commerce was unfavorable.

9. With the preliminary information thus obtained, the Government of India is in a position to consider what should be the next steps to be taken in view to the development of a new industry, which may perhaps take, to some extent, the place of the trade in the manufacture of silk from domesticated worms. This latter industry, of which Bengal is the principal seat, is in a languishing condition, and seems, indeed, doomed to gradual but inevitable decay. Even, however, if the Bengal silk-trade were to revive and again assume the flourishing position it once held, it is quite clear that in an almost purely agricultural country like India the introduction of new manufacturing industries is desirable, and that it is of great importance to

find external and internal markets for produce of which India possesses a monopoly, but which is not now utilised.

10. In stimulating the production of tasar silk, the State may aim at supplying either the local or the European markets with manufactured silk, or at creating an export trade in the raw material with Europe. But before any great step in this direction can be taken, it is necessary to make further cautious and preliminary detailed inquiries; for, besides the two difficulties already mentioned, both of which will probably soon be overcome, there are still others of a somewhat more formidable character perhaps, which tend to leave in doubt the question whether the silk of the tasar worm may be profitably employed on a large scale.

11. The two great obstacles to which attention has hitherto been directed are—

*1st.*—Defective reeling in connection with the difficulty of properly dissolving the natural gum exuded in spinning by the worm.

*2nd.*—Difficulties in dyeing.

As regards the first, owing to the defective way in which the silk is reeled, the thread is not continuous, and retains more or less of the peculiar cement (compared to plaster of Paris by Captain Coussmaker) which the worm exudes, the presence of this cement detracting from the appearance of the fibre, rendering it unfit for fine fabrics, and preventing it from taking fine colors. It has, however, it is understood, been proved by actual experiments made within the last year, that by the use of a simple alkaline solvent, and by keeping the basins of water in which the cocoons are plunged when being reeled off at a temperature of about 200° Fahr. or a little higher, all difficulties of reeling, so far as the mere unwinding of the silk is concerned, disappear.

In respect to the second, there seems to be little doubt that no real effort to dye the silk has been thoroughly made, and that if attention were turned to the subject by competent persons, the difficulties in question could easily be overcome.

12. The other and more serious difficulties which will require to be overcome appear to be, *1st*, the manner in which the cocoons are naturally distributed. It is true that the supply is inexhaustible, but owing to its distribution over a vast area, a thousand square miles will, in the natural condition of things, seldom probably yield as many cocoons as a single hamlet in Italy produces of the domesticated worm; and, although the cocoons can be obtained for nothing, yet as the search for them has to be made over enormous areas, if large quantities, such as a filature would require, are to be obtained (and it is only during one brief period

of the year when the trees the *Antheraea* chiefly haunt are shedding their foliage that any successful search can be made) it appears doubtful whether, under these conditions, the wild cocoons would not cost more than cocoons obtained from domesticated worms.

13. It is true that the tasar worm can be entirely domesticated, but if regularly domesticated like the *Bombyx mori*, the produce obtained would perhaps be more costly than that of the *B. mori*, inasmuch as many worms would be required to produce an equal value of silk, and if the manufacture of silk from the *Bombyx* worm is not remunerative, as seems sufficiently proved by the state of the industry in Bengal, *a fortiori* the tasar worm will not yield any profit.

14. Again, the tasar may be half domesticated, a certain number of moths being kept for laying purposes yearly, the eggs hatched and the young worms turned out to feed themselves, thus avoiding the heavy expense (especially during the later stages) of constantly supplying fresh leaves to the worms; but here also it appears doubtful how far it will be possible to concentrate the worms or protect them from birds or other enemies if they are at all abnormally numerous on any group of trees. Under these circumstances, it appears probable that it is only in a nearly wild condition that the tasar can prove remunerative.

15. The second difficulty (which is even greater than the first) depends upon an inherent defect in the filaments spun by the worm. It must be remembered that the thread of the tasar silkworm is spun from a double spinuaret, and that these filaments are not parallel, lying close side by side, but are spirals touching each other only at the exterior points of their curves, but united by the natural gum in and with which they are exuded, and it is on this spirality that the elasticity of the silk depends. Now, in reeling the silk it is necessary that the spirals should be ground well into each other so as to form an even round thread, but it is doubtful whether the filaments can be brought to bear the amount of *croissure* necessary to produce the round thread, and without this it will be impossible to provide an article of export which will be acceptable in a European market.

16. Granting that this difficulty may be surmounted, it appears certain that it can only be done under skilled European supervision, aided by the best mechanical appliances in properly appointed filatures. It will be hopeless to expect that such reeling as is required to fit tasar for manufacture into superior fabrics for the European market can be done by natives working in their own homes. If success is to be expected in the manufacture of tasar silk, the operations of villagers must be confined to

the production or collection of the cocoons. The reeling processes, if manufacture is to be attempted at all in India, must be carried out in properly organised filatures, possessing means and appliances, machinery and systematic supervision, such as are wholly unattainable by villagers in their own homes. Thus, for the proper reeling of tasar, where the basins must be kept at a heat of from  $200^{\circ}$  to  $205^{\circ}$  Fahr., nothing but steam can keep them uninterruptedly at precisely that temperature which is essential not only to enable the silk to unwind, but to keep the gum still retained by the filaments at just such a temperature when they reach the *croissure* as to be soft and yielding, but not so soft as to be worked out.

17. The conditions of successful manufacture being such, there does not appear to be any prospect of reviving the reeling of silk as a village industry, whether the silk is produced for local consumption or export. Under no circumstances would there appear to be any reasonable prospect of any proximate material enlargement of the local demand. If, therefore, anything is to be done for the country in silk, whether for the domesticated or the tasar worm, it must, it seems to the Government of India, be in the way of increased exports, either in the shape of cocoons or as raw silk so reeled as to be acceptable to the European purchaser.

18. In regard to tasar, many of the most important data necessary towards forming a satisfactory conclusion in the matter are altogether wanting, and the Government of India are of opinion that the subject should be systematically investigated, so as to set at rest all doubts which now exist.

19. Towards the attainment of this end, the first thing in regard to which it is requisite to obtain definite information is the exact cost at which the raw material can be collected or produced in commercial quantities, both in its wild and semi-domesticated state. The next points on which further information is requisite are the cost of reeling off the silk, the amount of silk there is in proportion to cocoon, the degree in which the filaments will bear *croissure*, and the consequent ultimate value of the silk in the market.

20. With this object in view the Government of Bombay and the Chief Commissioner of the Central Provinces will be asked to collect cocoons in order that careful experiments may be made with them in some of the leading filatures in this country, and also under the direction of Her Majesty's Secretary of State in some of the leading filatures in France and Italy. Careful and full reports on all the points noted above will be asked for, and all reasonable expenses incurred in these experi-

ments will be reimbursed. The Secretary of State will be asked to have experiments efficiently carried out to test the dyeing capacities of this silk, the material furnished from the experiments to be made in the filatures in France and Italy being used for the purpose. His Lordship will also be asked to cause experiments in carding to be undertaken with pierced cocoons.

#### No. 5-156.

**ORDER.**—Ordered that a copy of this Resolution be forwarded to the Government of Madras, with a request that the Government of India may be favored with any proposals or suggestions which His Excellency the Governor in Council may have to make in the matter.

Ordered, also, that a copy of this Resolution be forwarded to the Financial Department for information.

(True Extract.)

(Signed) A. O. HUME,  
*Secretary to the Govt. of India.*

Order thereon, 10th January 1876, No. 27.

Communicated to the Board of Revenue for any remarks they may have to offer.

(True Extract.)

(Signed) W. HUDLESTON,  
*Chief, Secretary.*

#### MISCELLANEOUS.

#### SEED AND SEED-SOWING.

THE cost of seed even of a really good quality is one of the least expensive items in the charges incurred for raising a crop, and yet, small as the cost is, there are few cultivators that do not grudge the expense. They will sow any seed possessing the ordinary characteristics of the seed of the variety of crop they wish to produce, provided that they have it already of their own producing, or can buy it at a low rate. Thus, to save half a rupee, or a rupee at the most, per acre, they will risk the value of the labour on cultivation, the loss of the crop, &c. The difference, in the return, obtained from a crop produced by good seed, and from a crop produced by bad seed may be 25 per cent. in favour of the former; say, Rupees 5 per acre, certainly a large return for the extra rupee spent in procuring the good seed. But this is not all, for the sickly crop produced by inferior seed or by old seed is always more liable to be

injured by blight, by weather, and by insects, than a healthy crop the produce of well-grown, well-developed seed. By good seed, we mean not only that the seed must be large and well formed, true to its kind, regular in colour, fresh and free from all mustiness, &c., but that it must have been produced under favourable conditions: that is, must not have been grown, year after year, on the same land, or on land of the description and quality of that on which it is intended to be sown, and must, when tested, yield at least 75 per cent. of vital grains. Our cultivators do not fully appreciate the benefits that arise from a change of seed. Instead of year after year sowing the produce of their own soil, they should endeavour to obtain seed by exchange, or by purchase, from some neighbour who farms soil of a different kind to that farmed by them; or what is even better, obtain it from some distant part of the district, in which the soils are of a different character, but in which the climate is somewhat similar to their own. Under a very good system of agriculture, it is possible to get fair results by sowing on the same land year after year the produce of each preceding harvest, but the practice is not to be commended when it is possible to get a fair sample of seed from a soil differing from that on which it is to be sown—heaviest and plumpest seed should always be selected—provided it also possesses the other qualities that characterise good seed. The fact is, we should deal with our seed as with our breeding stock: select the parent which possesses the qualities we wish to find in that to be produced. European agricultural seeds have greatly improved in quality during the last 10 or 15 years, and this, to a considerable extent, is due to the greater care and skill now employed in their cultivation. The result is chiefly to be attributed to *selection*: that is, to the best grains in the best ears or heads only having been for years used for seed. In this way, superior qualities can be stamped with some degree of permanency on any variety of seed. But when we have secured the seed with these higher qualities, it becomes all the more necessary that the circumstances to which it must be exposed should be those of a favourable character. A seed elevated in this way will yield worse results when opposed by unfavourable circumstances than seed of the same kind in the unimproved state. It is a well-ascertained fact that plants, like animals, can in time adapt themselves to circumstances which at first they may dislike, and which at that time may be actually injurious to them.

The seeds of plants that have gradually become habituated to unfavourable agricultural conditions, will grow and give fair results under circumstances that might prove quite fatal to the prospects of a crop from seed which had not been so trained. But we may have obtained

seed which meets the conditions we have laid down, and yet find that we have not secured all the conditions necessary to ensure, even to a moderate degree of certainty, a good result for all our care. We allude here to the danger of obtaining seed tainted by disease. It is a well-ascertained fact, that many of the diseases from which our crops suffer are to be traced to the seed, either from the germs of disease having been actually present in the seed, or from the seed having been the produce of plants which had been attacked by disease, and whose vigour and constitution had thereby been injured. It is to meet evils of this kind that the European farmer employs washes and steepes, in which he prepares his seed for sowing. We think it would be a wise act on the part of the Indian farmer were he to adopt the same practice. These washes are solutions of sulphate of copper, of chloride of lime, of chlorine of soda (common salt), of sulphate of iron, of sulphate of soda, of arsenic, &c. The arsenic solution is objectionable as a steep for grain, from the danger of putting large quantities of so poisonous a substance in the hands of ordinary agricultural labourers, and from the danger of the prepared grain finding its way amongst the food of the live stock. Sulphate of soda (globular salts) possesses some merit, but as the grain which has been dressed by it must be dried by lime powder, a great deal of trouble is produced. Sulphate of iron (green vitriol) is useful, but is not effective in all cases, while it is very little cheaper than the more effective blue vitriol. Chloride of soda has little effect on seed infected by the spores of parasitical fungi; chloride of lime is destructive to the spores of some fungi that attack farm crops, but not to all.

Sulphate of copper is, without doubt, the most effective and most useful of all the chemical salts used in the preparation of seed pickles; it destroys the spores of all the fungi that attack farm crops, while the vitality of the seed is in no way injured by its action, and not only as regards efficacy is it the most valuable of all the saline substances used, but it is the easiest to apply. It is used in the following way:—take  $\frac{1}{4}$  of a pound of the salt and dissolve it in a gallon of hot water. After allowing it to cool it is fit for use: the solution thus prepared is sufficient for about 200 lbs. of ordinary field seed. Before applying the solution, spread the grain equally over a hard earthen floor to a depth of about 6 inches, then sprinkle it with the solution, at the same time mixing the whole thoroughly with a shovel until all is uniformly damped; it will dry in 2 or 3 hours, when it will be fit for sowing. We have used a much stronger solution of blue vitriol than this, not only without injury to the seed, but with benefit: as a general rule old seed requires less of the solution than new seed. It is the

safest plan to subject all seed to the action of this pickle, even though the crop which produced it was quite healthy, as it may have met with the spores of the fungi in the granary or store-room, and may thus be in no better state than if produced by unhealthy plants. When we say that all seeds should be subjected to the action of a solution of sulphate of copper before sown, we refer only to the ordinary agricultural seed; some seeds may be too delicate to resist uninjured even its moderate action, but the farmer should experiment and decide this for himself. In many European countries, in Scotland especially, the use of the blue vitriol solution as a pickle for seed, has effected an immense amount of good in that country. Less than 30 years ago, it was usual to lose by back-ball and other fungoid diseases from 1 to 8 bushels of grain per acre, while at the present day, in the best farm districts, it is difficult to find a single diseased head of grain. To some extent this is due to other causes, but the result is chiefly to be attributed to the general use of blue vitriol in pickling the seed.

But all the foregoing goes for little or nothing if the seed is not placed in the soil in a proper manner; and to this we would invite particular attention, for of all the evils that result from the wretched agricultural practice followed in this country, not the least is the loss produced by bad sowing, especially by sowing too thickly. Indeed, from thick sowing alone, we have no hesitation in asserting our belief that on at least two-thirds of the arable land of India an annual loss is experienced equal in amount to the full rent demanded by Government on dry land, and equal to one quarter of the rent demanded for wet land. We have known instances of native cultivators sowing as much as 300 lbs. of paddy seed on each acre of land to be cropped. The quantity of paddy seed generally broad-casted for a crop is not so much as this: it varies between 100 and 200 lbs. per acre, a quantity still far in excess of the amount needed, for some of the best crops of country paddy we ever produced under broad-cast sowing were raised from less than 50 lbs. of seed per acre. The waste of seed thus caused by the low agricultural practices of the country, represents in the total a heavy national loss. But this is far from being the only bad result that arises from inefficient sowing, for after the ill effects produced by bad seed, there are no influences more active for evil during the growth of a crop, than those which result from thick sowing. In the crowds of plants produced, each struggling for mastery over the other, we have a most productive source of injury. Each plant is wasting its energies in the attempt to secure the means of existence, and in the endeavour to resist the ill effects produced by the close proximity of its neighbour, energies which ought to be directed to

meet its wants during a healthy progressive development. At first sight, it would appear that the right practice in sowing is to place each seed in the position to produce the maximum result, equi-distant from each other, so that each may get its full share of soil, air, and light; but there are other considerations to be taken into account, viz., the weeding and tillage of the crop during its growth, operations which can only be performed at an economical rate when the crop is cultivated in lines, but the distance can readily be adjusted, and the seed so sown in the lines to secure each plant in the position to produce the largest result with the least expenditure of field labour in its cultivation. Broad-casting seed is only justifiable under very peculiar circumstances, as a hasty season, scarcity of labour, damp soil, an uneven surface, or a surface covered by rock, trees, and other impediments. In broad-cast sowing, the seed is placed irregularly in the soil, and there is always a considerable waste from seed being left uncovered, or by being covered too deeply. Hence to provide against a deficiency of plant from this course, it is necessary to sow a little more seed than would otherwise be needed. Thick sowings on rich or highly manured soil, produce a close luxuriant growth of prematurely developed plants, which generally become matted and laid low before harvest. Crops in this state are invariably attacked by mildew, under the influences of which their yield is greatly lessened. In rich and poor soils alike, thin sowing is beneficial, not too thin on poor soil, though on very highly manured soils seed can scarcely be too thinly sown. The desideratum is to produce a good standing regular crop, through which air and light may get. As a rule, thick-sown crops require an abundant supply of manure to enable them to perfect their development. The competition for support must be especially provided for if the soil is not in a high manured condition. But rules cannot be laid down for all conditions of soil, of crop, of climate, &c.; each farmer should experiment and ascertain for himself, what quality of seed of each variety best suits his soil and climate.—*The Indian Agriculturist*, January 1876, p. 6.

#### THE TOWERS OF SILENCE.

If the question were asked "What is the most novel and extraordinary sight that the Prince of Wales has seen in India, and that in which he himself showed the greatest amount of interest?" I am certain that hundreds of conjectures would be hazarded in England, and perhaps in India too, without any one arriving at even a near approach to the truth. Gay spectacles there have been in plenty, unlike anything seen in Europe; assemblages of

bejewelled chiefs, elephant processions, elephant hunting, and elephant fights; but the most curious thing, and the thing unseen before, was of a totally different character, and one that a young Sovereign, still in the heyday of life, would hardly have been expected to care to look upon. It was a sight for Hamlet rather than for Troilus, and that it did inspire our Prince with a strong feeling of interest is another proof, if proofs were wanted, that his nature is akin to high and serious things, and moves above the scenes which are so attractive to less earnest minds. In the south-western corner of Bombay Island the low plain swells up rather suddenly into a hill 200 feet high, from the top of which the whole city, and almost the whole island, are visible to the north and east, and to the west and south the wide sea. It is a spot which, without a doubt, presents the finest view of what has been called one of the choicest scenes of the world, and might well, therefore, have been selected for the gayest villas of the richest inhabitants; but it is a fact that, till the Prince came to India, no European, except it may have been by stealth, had set foot upon it. None, certainly, were privileged to examine this strange place, and if any came, which may well be doubted, at most they could but cast a furtive glance around them, and steal away again. Two centuries have passed since, in this then most desolate and savage spot, a grey tower was raised, no sign of life or man's habitation, but an abode of death, and so well called the Tower of Silence. As time went on four other towers were raised around the first; the Parsees, to whom those towers belonged, grew in wealth and influence; the whole hill became theirs; and a high encircling wall, with iron gates, barred access to any but those of their own nation. Up to the Prince of Wales's visit I do not only say *that no stranger had visited this spot*; I say more, *that no one ever expected to see it*. The Parsees are not a proselytising sect; they would not accept proselytes though they came to them voluntarily. There is a veil of mystery and mysticism over much that the Parsees do, and they do not love to talk with strangers about their sacred things. Next to the strangeness of the Prince's visit itself the strangest thing which has happened during that visit is the easy way in which the curtain which has so long been held up by the Parsees round their tombs has been dropped by them. The Prince wished to see the Towers of Silence; Sir Bartle Frere wrote to the governing body of the Parsees that the Prince wished it, and lo! it was done. It may be quite true that the fire-worshippers had found that detractors had made use of the mystery in which they shrouded their funeral rites to invent many calumnies against them, but still I do not think that a desire to set themselves right with the world

would alone have induced them to raise the veil. It would never have been put aside but for the Prince's wish to have it removed; and so, if his visit to India should have no other result, it will have in this brought about one of the most curious changes that India has witnessed. The thing came about so suddenly that the secretary of the Parsees found himself, so he told me, standing under the wall of the principal Tower of Silence, close to the vast stone slab on which the corpses are deposited, explaining from a model the interior economy of the structure to his Royal Highness and a group of his suite before he had had time to prepare his dress or his thoughts for the occasion. The Prince showed the greatest interest and asked many questions, and he left his Parsee informant as much impressed with his affability and condescension as he could himself have been with the strangeness of what he saw and heard about the Parsees.

As, next to the Prince and his attendants, I was the first European to visit the Towers of Silence, and have their construction explained to me from the model, it will be well, perhaps, to preface what I have to say about Madras with an account of the last remarkable thing I have seen in Bombay. I may begin by saying that at the foot of the hill on which the Towers of Silence are erected there are two institutions which do infinite honour to the Parsees, and which deserve to be inspected by every visitor of Bombay. These are the Dharamdhs, or Hospices for the Poor Zoroastrians of Persia and those of Bombay. I saw 78 Persian Parsee women, 73 children, and 58 adult males in the Persian Hospice, and delighted they were to be talked to in their own language and to be able to tell their grievances to one who could understand and sympathise with them. In the Hospice for the Poor Parsees of Bombay I saw 30 men and eight women, and I thoroughly convinced myself that they are treated with the most tender charity, which ministers to all their wants. Their food is good; they have clean rooms and a beautiful garden, and they live in one of the most salubrious spots in the whole island. Khurshedgi Ardasir and the sons of Nardeniji Sorabji Parak founded these most beneficent institutions, and their names deserve *voluntare per ora virum*.

Passing on, you may ascend the hill of the Towers of Silence by a long succession of terraces and flights of steps from the south, or you may drive in by a carriage-road at the northern entrance, and read, as you pass the gate, the inscription, which tells you that the costly road was made at the expense of the son of the first baronet, Sir Jamshidje, in honour of his father's memory. After driving a quarter of a mile you proceed on foot up a long rocky ascent till you come to a gate with the warning, "None but Parsees may enter!" But the Prince

had unsealed the entrance, and in company with the courteous secretary of the Parsee Governing Committee I went in, and found a little way on my right a stone chapel or house of prayer, where the Parsees who attend the funerals perform their devotions. From this spot there is a most enchanting and unequalled view over Bombay, which every European visitor should see if he can. While I sat here a model of a tower of silence was brought and explained to me; the same identical model which had interested the Prince, and the explanation was given by the same expositor. As I listened two corpses, one of which was that of a mohed or priest, were brought up the rocky ascent, each followed by about 100 Parsees in white garments. The biers were carried by four men, and two others followed, who alone are allowed to enter the towers. The Parsees who walked in the procession had their garments linked two-and-two, and this has a mystic meaning. The towers are circular, and are so well built that the oldest has stood for 200 years without requiring to be repaired. They are formed of huge stone slabs well cemented together, and the largest cost 30,000*l.* If it may be assumed that the four other towers cost on an average 20,000*l.* each, we should have a tenth of a million invested in these buildings alone. Add that Sir Jamshidje gave 100,000 square yards of land and defrayed the expenses of a road, and some idea may be formed of the cost of the whole cemetery. In the circular external wall there is but one aperture, about 5½ feet square and 13 feet from the ground, and to this the carriers of the dead ascend by a flight of steps, and there take in the corpse. The outside wall is from 25 to 40 feet high, according to the inequalities of the ground on which the tower is built. Inside is a circular platform, depressed gradually towards the centre, where is a wall of about 10 feet in diameter. The surface of the platform consists of fluted grooves laid out in three series, with a circular path surrounding each series, to which communication is obtained by a straight path leading from the aperture in the outer wall to the well in the centre of the tower. This straight path intersects the circular paths, and is about two and a half feet broad, and then three feet. The corpses are deposited in the grooves, those of men occupying the first series, those of women the second series, and those of children the third. All the bodies are absolutely nude, to fulfil the saying "Naked came I into the world, and naked shall I go forth;" and in half an hour from the time they are put in the grooves every particle of flesh is stripped from the bones by the numerous vultures that inhabit the spot. I saw at least 200 of these filthy birds congregated round the two bodies which had just been brought in, and in half an hour all but a very few had retired from the

feast gorged, and scarce able to flap their way to the surrounding trees. The skeleton is left to bleach in sun and wind till it becomes quite dry. Two carriers of the dead then enter with gloves on their hands, and provided with bags, with which they carry the bones to the central well, where they are cast and crumble into dust. There are perforations in the wall of the well through which any moisture, caused by rain or otherwise, passes and descends into two drains at the bottom of the building, where it passes through charcoal and so becomes disinfected and inodorous before it reaches the sea. There is a ladder in the well by which the carriers of the dead descend when it is necessary to clear the perforations from obstructions. The dust in the well accumulates so slowly that in the 40 years during which the largest tower has been used it has risen only five feet. There was no smell from the towers when I was there, and I suppose there was none when the Prince visited the place, or he would not have remained a whole hour as he did.

The origin of the whole practice is no doubt the veneration with which the Parsees regard the elements. Fire is too pure to be polluted by committing corpses to the flames. Water is almost equally venerated, and so, too, is mother earth. Hence this strange system has been invented, by which it is supposed none of the impurities of the corpse can infect the elements, at all events directly. And everything that can be thought of is done to dispel the gloomy thoughts which some parts of the process naturally engender. The chapels are situated in a beautiful garden, where those who attend the funerals may sit and enjoy the beauty of flowers and flowering shrubs. Those who deposit the corpses in the towers go through a purification, and the garments they wear when in the Tower of Silence are put away in another tower, erected for the sole purpose of receiving them, and there they smoulder away. I saw this tower so filled that the wind was stirring the topmost clothes on the very brim of the building. For the rest of the Parsees believe in the resurrection, but their creed is that the body raised will be a spiritual and a glorified body."—*Standard.*

# THE REVENUE REGISTER.

No. 3.] MADRAS :—WEDNESDAY, MARCH 15, 1876. [VOL. X.

## A MANUAL OF THE CUDDAPAH DISTRICT.

We have just received from the Revenue Department of the Government Secretariat, a copy of the Manual of Cuddapah. This is another and a valuable addition to the series of District Manuals, the first of which emanated some five years ago from the pen of the present Revenue Secretary when he was Governor's Agent and Collector in the District of Vizagapatam. Since that time we have seen the bulky and ponderous *Manual of Madura*, the *Manual of Bellary*, and the *Manual of Nellore*, rivalling in bulk, and excelling in prosiness, the *Manual of Madura*.

The *Manual of Cuddapah* is divided by its author into four parts. The first part is sub-divided into three chapters; the first of these chapters is generally "Descriptive," the second treats of the geology and population of the District, and the third affords us a "Descriptive notice of the taluks." Part II, in six chapters, gives us the History of the District, and Part III, Miscellaneous, treats of the Criminal Classes, the Police, Climate and Health, Agriculture, Revenue, Public Works, Popular Superstitions, and so on. The appendices are lettered from A to G, and contain much valuable information on various matters connected with the

administration of the district. In a pocket attached to the book is a really splendid Map of the District, drawn to a scale of 8 miles to 1 inch. The sub-divisions or taluks of the district are clearly defined from each other by being variously coloured; while the roads, railway, canal, bungalows, police, and trigonometrical stations are marked out in a clear and unmistakable manner. Another map shows the positions and extent of the various polliams. It is got up something in the same style as the District map, the taluks being marked out in colours. The polliams are, however, not very apparent on a cursory glance, being marked out by faint dotted lines. It would perhaps have been better had they been shown by a slender line of vermillion. The map of the river system is, we think, the best in the book. The idea of colouring the valleys of the several rivers with different colours seems to us to be a peculiarly happy one. Facing page 91, on which is told its legend, is a photograph of the Gurramkonda Hill and Fort. It seems to us a little hazy, but probably that is an unavoidable fault under the circumstances. Before entering into anything like a brief resumé of the *Cuddapah Manual*, let us premise that it is printed on nice paper; that the letter-press is good; that it appears wonderfully free from typographical errors,

though we regret to notice that in the last line of the first page of Chapter I. "division" is mis-printed "pivision," no doubt from the printer's familiar having turned the *d* the wrong way. Such an accident not unfrequently occurs (as we know to our sorrow) after the final revision of proofs.

*Chapter I., Descriptive.*—From this chapter we learn that Cuddapah is shut in on its southern and eastern sides by lofty mountains, while on the west and south-west there are no hills. This difference of local features Mr. Gribble supposes, and no doubt rightly supposes, has a great influence over the people of the district. He tells us that Cuddapah is divided into the Main Division and the Sub-Division; that the ghauts form the natural boundary between them; and that the two divisions are so dissimilar as each to need a separate description. He commences with the Main Division. The area of this he puts down at 4,793 square miles, with a population of 801,025, giving an average of 173 to the square mile. The roads near Cuddapah itself are, it appears, good, being made of 'Kankar', *i.e.*, nodular limestone. We are told that they wear into a "smooth hard surface, in which the rains make no gullies, and over which the wheels roll as if on a tramway." This may be very well for Cuddapah: what would the result be in London? The much reviled Climate next comes under notice, and Mr. Gribble assures us it is not so bad as represented. He admits the heat, but contends that it is not unbearable; while the low fever prevalent does not, he thinks, leave behind it such bad effects as the fever prevalent in Kurnool and Godavery. However, as the subject reappears in a subsequent part of the work, we will leave any comment on it till that part comes under review. Under the head of "Natural Features" we find a good descrip-

tion (written, as Mr. Gribble tells us, by the late Mr. Boyle), which would apply, we fancy, to many other localities.

"A word about the district scenery. All plain scenery in India labors under the great want of water. A bare expanse of black cotton soil, fringed by a bare line of brown hills, and picked out sparsely with rugged brown babool trees, is calculated to awake little enthusiasm in any body but a Cotton Commissioner; nor do the higher hill ranges, except in their greenest season and in their most sheltered nooks, please the eye, so that it loves to linger on them. In the same way the greater part of the scenery in the northern part of the main division is dull and uniform. In the southern and north-western portions, where the hills are more thickly wooded and are thrown together in wild confused masses, it is grand; and especially so at that portion of the Yerra Malla hills where the Pennair rushes through a narrow gorge and emerges at the old fort of Gandikota" (=the fort of the Gorge). Where the Cheyair runs through the Seshachellam hills, the scenery is also exceedingly beautiful. Steep hills covered with vegetation descend several hundred feet, until they almost meet at the base and are only separated by the narrow stream, the bed of which is not more than 200 yards broad. With the exception of the Pennair, the Cuddapah district may be said to be destitute of rivers, and possesses nothing but a number of fierce torrents, dry for the greater part of the year, but which, for a few days in the rainy seasons, rush foaming seawards, carrying away with them the water which, if stored, would be of more worth to the country than drops of gold. Still, such as they are, the rivers of Cuddapah are of infinite value to the country. The river basins are here, as elsewhere, the busiest centres of cultivation and the most frequented haunts of men. The main watersheds of the country lie on the north-west and south-west, and discharge their drainage into the central basin of the Pennair, which divides the district rather unequally into a Northern and Southern Division.

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"Almost without exception, each of the rivers just named,\* has a more or less broad belt of alluvial soil rising gradually from either bank; and each of these river basins has, in times gone by, been the centre of a separate political unit—a little state restrained, as it was protected by the line of the hills that hemmed it in on either side. Thus the level lands of the Pennair round Cuddapah and east and west of that town formed the dominions of the Sidhort Rajah, and later the seat of the Nabob of Cuddapah; the valley of the Cheyair was the Raj of Chitwail; the broad plains of the Kundairoo belonged to the Poligar of Nossam; those near Gandi Kota to the Petty Rajah of that place, and the narrow and barren defile through which runs the Sagalair, supported the families of the Pullalo Cheruvoo and Poremomillah; and this physical isolation of every separate nook and corner of this wild country is the key that unlocks its past history, the fact that explains the successive uncontested conquests, and the long continuity of foreign occupation that left the tenants undisturbed under every new master; so that Hindu Poligars served Moghul Emperors, Vizianuggur Princes, Hyderabad Nizams, Mahratta usurpers, and Mysore Sultans with the most perfect adaptiveness to their own interests and the will of their temporary rulers."

The Cuddapah ryots are, we are told, splendid farmers: they appear to be alive to their own interests, for they manure their rich lands well, and obtain in return a good harvest of various grains. Cotton-growing is, however, the staple industry of the district, and Mr. Gribble says with perfect truth, "The ryots are all well to do, and, as is generally the result of riches, are quarrelsome and litigious to a degree." We notice with regret the improvident and dangerous practice prevalent in the district of firing the forest grass year after year. This is a bad and short-sighted policy, but we doubt whether for many years to come we shall be able to persuade the ignorant and

mamool-loving, peasants to do otherwise than as their fathers did.

The second part of this chapter is devoted to the Sub-Division which is under Mr. Gribble's own direct charge. As we should anticipate from its height above the sea level of 1,500 to 2,500 feet, the climate is described as being most pleasant. Even during the hottest months of the year the thermometer is said never to range higher than 92° in the shade, while the mornings and evenings are always cool. We should fancy that the climate must resemble that of the adjacent Mysore plateau. This sub-division appears to be rich in tanks; indeed, we are told that there are so many that they never receive a full supply,—while the tenures on which they are held cause much loss to the Government. This portion of the country appears to be both picturesque and healthy, and has elicited an appreciative and pretty description from the pen of its guardian, whose lot appears to have fallen for the present upon pleasant places. No doubt if office work would only permit of it, the sub-division could, in addition to moonlit hills and smiling valleys, supply its Sub-Collector with good sport; for he tells us that in the ravines of the hill at Kaulamadogoo, thirteen miles from Madanapally, his head-quarters, there are sambur, pigs, and bears. Rivers, worthy of the name, the sub-division possesses not. Its possessions in this particular are limited to a few jungle streams. This of course stands to reason: when there is no range of higher hills to supply them, whence can the rivers come? They have no glaciers or other means of supply beyond the jungles on the hills, which cannot do more than produce the small streams above alluded to.

With this brief resumé we must content ourselves for the present, but we shall hope to continue our pleasant task when preparing for press next month.

\* Chitravati, Papagni, Cheyair, and Pennair.

## CORRESPONDENCE.

## LONDON LIFE.

[FROM OUR SPECIAL CORRESPONDENT.]

SIR,

The inhabitants of the metropolis, and indeed of the whole United Kingdom, were gratified about three weeks ago by the announcement that Her Majesty had signified her gracious intention of opening Parliament in person. The opportunities of seeing the Queen during the last fourteen years have been so rare that any chance of realising the personality of the sovereign is eagerly hailed by all classes. For the first five years after the lamented death of the Prince Consort the public cheerfully and respectfully acquiesced in the seclusion of the widowed Queen, but it cannot be denied that of late there has been a strong feeling that a little more personal intercourse with her subjects would be highly desirable. During the last five years she has only appeared twice in public; in February 1870, when she opened the Session, just prior to the marriage of the Princess Louise to the Marquis of Lorne, and in 1872, when she attended St. Paul's Cathedral to return thanks for the recovery of the Prince of Wales from a dangerous illness. It is not surprising then that hundreds of thousands should have assembled along the line of route, to see the royal cortége pass from Buckingham Palace to Westminster Hall. Anything like a pageant is so rare now-a-days in this country that the state coaches, the gorgeous lackeys, the quaintly attired "Beef-eaters," the splendid horses with their gay trappings, and the imposing display of infantry and cavalry would have ensured the presence of a multitude of spectators, but, I am happy to say, the demeanour of the masses was so respectful and cordial that it may be affirmed that a large majority came on purpose to gratify their desire to behold the Queen herself. The mob was singularly well-behaved and formed a striking contrast to the unruly following which usually attends the civic procession of Lord Mayor's day. The historical cream-coloured horses too comported themselves with befitting dignity, and disappointed the croakers who had prophesied all sorts of catastrophes because they had not been in harness for six years. The Princess of Wales and the Princess Beatrice accompanied Her Majesty, the former having only returned from Denmark the previous day. The weather was most unpropitious, the sky dull and leaden as it can be only in London, with occasional showers of sleet, but the adverse elements did not exhaust the patience or good humour of the "lieges," and the greatest objects of compassion were the silk-encased calves of the Royal footmen. In ludicrous connection with the Imperial progress it must be chronicled

that the mountebank member for Stoke, the eccentric champion of Arthur Orton, the scurrilous editor of the "Englishman", Dr. Kenealy ex-Q. C., got up a procession of his own with the assistance of a parcel of ragamuffins [bulldozers], who dub themselves the "Magna Charta Association." He drove from his residence in Bloomsbury, followed by all the tag-rag and bob-tail of the district, including a plentiful sprinkling of pickpockets, and was alternately cheered and hissed by the by-standers. He, no doubt, imagined that he was going to make a triumphal entry into Palace Yard and compete with his sovereign for popular notice, but pride goes before a fall, and when his shabby landau reached Whitehall, a few mounted policemen and Life-Guardsmen adroitly intercepted his ragged train, and the learned Doctor drove on to the House of Commons unnoticed, with no one to soothe his wounded feelings except the wife of his bosom, and a daughter and the hopeful Mr. Ahmed Kenealy, who promises to turn out almost as irrepressible a nuisance as his papa.

The Queen's speech was awaited by the public with unusual interest as, contrary to custom, its contents do not appear to have been divulged to the newspapers beforehand. A more than ordinary importance attaches at the present moment to Foreign affairs, and all the world was on the *qui vive* to learn what Her Majesty's Government might have to say about Turkish Bankruptcy, the Herzegovina insurrection, the purchase of the Suez Canal shares, the murder of Mr. Margary, and the Malay outbreak. Curiosity also naturally existed respecting domestic questions, such as Mr. Plimsoll's Shipping Act, the reform of the Judicature, sanitary measures and local taxation. The Royal Message has one great recommendation; it does not promise a host of measures which cannot possibly be passed in the number of weeks allotted to the Session. This has been the great fault of successive ministries, both liberal and conservative, for many years past, and Mr. Disraeli and his colleagues have set a good example in not promising what they cannot perform. Unless the Irish Members persist in being as provokingly obstructive as they were last year, there seems every probability that the Parliamentary Session of 1876 will be more prolific of solid and useful, if not sensational, legislation than any of its predecessors.

The opening paragraph of the speech which states that our "relations with all foreign powers continue to be of a cordial character" is happily almost stereotyped, but is none the less welcome considering the excited condition of external politics. The allusion to the insurrection in the Turkish Provinces of Bosnia and Herzegovina, "which the troops of the Sultan have hitherto been unable to repress," is rather

vague, but it may be assumed that Her Majesty's Government are now prepared to insist upon the execution of the reforms promised in the celebrated "Hatti Humaion" twenty years ago. The purchase of the Suez Canal shares is mentioned as "subject to the sanction" of the legislature, but it is significantly added that the "transaction is one in which the public interests are deeply involved." Sanguine views are expressed regarding our diplomatic relations with China in connection with the barbarous murder of Mr. Margary, but I fear we have by no means seen the end of that imbroglio. A more cheering paragraph in the Royal message is that in which Her Majesty expresses her gratification at the "hearty affection with which her dear son the Prince of Wales has been received by her Indian subjects of all classes and races."

There can be no doubt that the extraordinary welcome extended to the Heir-Apparent in Hindustan has done more to familiarise the British Public with our Indian Empire than anything that could have been devised by the mind of man. The speech then diverges to domestic topics which need not be specially mentioned now, but on which I shall of course comment, in order, as they crop up in the course of the Session.

I will now specially advert to one sentence in which Her Majesty said "at the time that "the direct Government of my Indian Empire "was transferred to the Crown, no formal addition was made to the style and titles of the "Sovereign. I have deemed this a fitting opportunity for supplying this omission and a "bill upon the subject will be presented to you." This announcement has been heartily approved in this country, and will no doubt be gratifying to loyal subjects in the East. Great and well-founded complaints have been made of the ignorance of, and indifference to, our Indian Empire displayed by Englishmen in general and Parliamentary representatives in particular; the House of Commons has on more than one occasion been culpably careless of Indian affairs; it is a reproach to us as a nation that India is still little more than a name to the vast majority of Englishmen; let us hope that when the Queen is styled "Empress of India" we shall all reflect more deeply on the terrible responsibility implied in the dependence of more than two hundred millions of people on our sway.

The usual address to the Crown was carried *nem. con.* Never was an opposition milder or more conciliatory. Earl Granville in the House of Lords and Lord Hartington in the Lower Chamber "roared like sucking doves," and the debate, if such it can be called, concluded before the dinner hour. The fact is that there are portentous clouds in the political horizon abroad, and the gentlemen who sit on the Speaker's left, presaging the storm, have the patriotism

and good taste not to talk to the "man at the wheel."

The disquieting fluctuations in the values of foreign stocks still continue, and there are many people who think that Egyptian finance will soon be in as hopeless confusion as that of Turkey. Mr. Cave, who was specially sent out to Cairo by our Government to investigate the intricate details of the Khedive's Exchequer, has not yet returned to England, and until his report is made public, no accurate information can be had. But nothing restrains the rampant efforts of the "Bulls and Bears" on "change." Every disgraceful dodge imaginable has been employed during the last month to alternately inflate or depress Egyptian securities, and values have varied as much as five per cent from hour to hour. Some speculators have realized fortunes, others have been ruined, but the unfortunate victims of these intermittent panics have been the *bond fide* but timid investors. The creditors of Turkey have as yet been unable to come to any terms with the Porte, and it is likely enough that in the end the sufferers will "grin and bear it" without further remonstrance, and the unscrupulous Turk will calmly pocket the 80 millions sterling of which he has robbed them. As to Paraguay, Honduras, and Costa Rica, the holders of the bonds issued by those republics are quite resigned to their fate. Uruguay has now also been added to the list of defaulters. It is pleasing to know that the "State of Honduras" is no longer diplomatically represented in this country. Don Carlos Gutiérrez has been discreetly withdrawn from the Court of St. James's, and gentlemen who go to pay their respects to Her Majesty will no longer be exposed to contact with the representative of an unprincipled swindle.

Railway accidents are unfortunately not rare in England, but among all the appalling catastrophes which have shocked humanity, the late disaster at Abbot's Ripton on the Great Northern Railway stands pre-eminent. A bleak evening in January, a heavy snowstorm, a blinding east wind, two express trains, and a heavy coal train, are the combined elements of the terrible calamity. The up express rushing at top speed is hurled upon the coal waggon, and the engine leaps into the air and falls over, while the carriages behind it, full of passengers, are battered into splinters, whence a few emerge alive, the rest being killed outright or jammed amid the fragments in pain and terror. Into the mid-ruin of this horrible chaos comes the down express rushing over the wreck already made, killing the wounded and mangling the dead. Such an aggravation of destruction bewildered all who saw it, and made sane men imbecile for the time. Fifteen lives were lost, and two score people gravely injured. Lord Colville had a hair's breadth escape, and the eldest son of Mr. Boucicault, the celebrated actor and

dramatic author, was killed on the spot. And all this misery may be traced to unpunctuality. Until verdicts of manslaughter are returned against Railway Directors and Traffic Managers, these accidents (?) will perpetually recur. The same disregard to the time-bill, which so seriously inconveniences the Bank clerk on the suburban lines every morning, produces these fearful catastrophes; and it is the duty of the legislature to rectify such a crying evil.

Some short time back there appeared in the columns of the *Times* newspaper, a letter from an "educated Hindoo," in which he complained bitterly that the adjective "Barbaric" had been applied in a leading article to a native entertainment in India on the occasion of the Prince of Wales's visit, and also, that the Dean of Westminster in a sermon had qualified Hindustan as that "barbarous" land. The leading journal, as is its wont, "wriggled" out of the accusation by assuring the offended member of the Brahmo Somaj that "barbaric" was a totally different epithet from "barbarous," and that it was rather complimentary than otherwise, its real meaning being grandiose and magnificent. Dean Stanley, with an astuteness which does him infinite credit, but with a want of alacrity which materially detracts from its merits, writes a week later to say that the reporters misunderstood him, and that the term he used was "marvellous" not "barbarous." Some censorious people consider the explanation rather more ingenious than ingenuous. But the controversy did not end here; being a slack season for news, the columns of the "Thunderer" were opened to a number of more or less intelligent scribblers, and we have been favoured with an animated consideration of the pros and cons as to whether England or India is the most civilized country. To those who are endowed with an ordinary amount of common sense, the question appears tolerably easy of decision; but it is surprising how skilfully obstinacy and casuistry can argue the point. The educated Hindoo finds fault with the internal economy of the Brighton Workhouse, and thinks our poor-laws bad, in which opinion millions of Englishmen will cordially agree with him; he also objects to the chignons of false hair of the ladies, and the slaughter of innocent birds for the ornamentation of their head-gear. This is the head and front of our offending as set forth in his remonstrance to the newspaper. He might well have included inebriety and wife-beating in his accusations, but I suppose he does not feel certain that the pious Hindoo never chastises his spouse or indulges in an extra dram of fire-water. What after all is the meaning of civilization? Can it for one moment be sustained that the natives of Hindustan are as advanced as Europeans in education, road-making, implements of agriculture, scientific instruments, astronomical knowledge,

sanitary arrangements, medical skill, music, geography, painting, and sculpture, and are not all these the essential elements which distinguish civilization from a state of barbarism? Is the throwing of corpses "unhoused, unannealed" into the Hooghly and the Ganges a civilised custom? Are the "Towers of Silence" of the Parsees compatible with modern ideas of civilization? What of the "devil-dancers" of the south, of Suttee, of the car of Juggernaut, of Fakirs, of Monkey-worship? Are these the manners and customs of civilization? Must I recall the treachery of Nana Sahib and the atrocious massacre at Cawnpore? Surely, the member of the Brahmo Somaj would have acted more wisely in not forcing us to note these painful differences between barbarism and civilisation. He must be taught that civilization does not consist alone in reading and writing, and dressing decently, and using a knife and fork; above all, he must realize that true civilization is inseparable from Christianity. The Brahmo Somaj is not a Hindoo sect, but a select circle of anglicised literati; for a member of this society to come forward as the champion of Hindoo civilization is as surprising as if a Quaker were to take up the cudgels for the Popish Inquisition. They have renounced the native civilization for our own *minus* the religious element. Hence they fail. Talented as were the ancient Greeks and Romans, and the Assyrians and Babylonians in still remoter ages, magnificent as are the works of architecture, painting and sculpture which they have bequeathed to posterity, clever and eloquent as were their Historians, Poets and Orators, skilful and brave as were their Emperors and Generals, still they were not civilized. The Christian era inaugurated pure civilization; and the doctrines of the Gospel are synonymous therewith. Before the advent of the Redeemer, all nations were equally barbarous in the true sense of the word; and should this world endure for millions of ages to come, the great fact will still hold good that where Christianity is not, there must civilization be conspicuously wanting. It is not at all probable that these lines will ever meet the eye of the gentleman who so pathetically entrusted his grievance to the tender mercies of the *Times*, but there may be native gentlemen who will read these lines, whose highest ambition is the highest civilization, and to them I would earnestly urge a careful consideration of what I have ventured to write, and I trust they will see that no "hair-splitting" can do away with the radical difference between civilization and barbarism.

The prevailing epidemic of the hour is a "craze" for skating-rinks and aquariums. It is now but little more than a twelve-month since skating on asphalté floors was introduced as a fashionable pastime, and it may now be almost termed a popular necessity, so universal

has the practice become. Originated by the élite of London Society at Prince's Club, it has spread rapidly throughout the provinces, and every fashionable watering-place has its rink or rinks, and in the metropolis there are quite half a dozen; whilst the advertising columns of the newspapers announce daily additions to the number. The "city" gentlemen, always on the look out to profit by the ephemeral foibles of their friends, have not failed to turn their attention to the subject, and more than one "Skating Rink Co." (limited), is already floated, with the assumed, if not assured, prospect of enormous dividends. After the late frightful collapse in Foreign Stocks, investors are at their wits' end to find a safe concern in which to embark their spare cash; and "rinks," I suppose, may be considered better security than Honduras and Costa Rica bonds; but if the mania for skating is no longer-lived than that for croquet, the investment will not be permanent. One great point in favour of this exercise is, that young ladies and their mammas consider it a most advantageous method of forwarding non-detrimental flirtations, and as long as they continue to hold this opinion they will not allow the "healthful" pastime to languish for lack of votaries. The Surgeons, too, are bound to uphold the "institution," for it affords an abundant crop of fractured collar-bones and dislocated wrists, and a grim statistician affirms that the "rinks" cause more dangerous accidents than the hunting fields of the entire United Kingdom. Moreover, a certain Mr. Plimpton will expend all his energy in fostering the skating *furore*. For has he not invented a four-wheeled skate, whose merits are not only undeniable but unapproachable? And has not the Supreme Court of Judicature decided that his patent is indefensible, and that if the world desires to skate skilfully and comfortably, they must use his invention and pay a royalty accordingly? Among the manifold supporters of the sport, if I may use the word, must be named the Right Honourable Robert Lowe, ex-Chancellor of the Exchequer. He is no longer in his *première jeunesse*, but is still a boy in heart if not in years. Hitherto "bicycling" has been his favourite recreation, but of late it appears that the four-wheeled sandal has, in his estimation, superseded the two-wheeled velocipede. He is a constant attendant at the fashionable rinks. Notwithstanding his innate juvenility, it will be remembered that some few years ago he exhibited a vast lack of sympathy with the youthful and peacock population of the metropolis by attempting to enforce a tax upon lucifer matches, an attempt which was summarily and ignominiously nipped in the bud. Were he still in the position of concoctor of the budget, I should entreat him to impose a tax upon skates. They are only used as a luxury

by the well-to-do classes, and a lady or gentleman might as well be fined moderately for their daily exercise on wheels affixed to the soles of their feet, as those members of society who prefer to rouse their livers into normal action by means of a high-trotting horse on which a heavy tax is annually laid.

The "Royal Westminster Aquarium" includes not only an extensive series of tanks for the marine monsters, but also comprises within its walls, a theatre, or concert hall, a suite of dining rooms, a huge conservatory, and a valuable collection of oil-paintings and sculpture. The building was inaugurated towards the end of last month by the Duke of Edinburgh, and although the arrangements are still incomplete, the enterprise gives ultimate promise of turning out a brilliant success. The well-warmed interior will serve as a winter garden for invalids in inclement weather, and music is "discoursed" nearly all day. When this kind of establishment becomes generally known, we begin to wonder how we have so long managed to do without something of the sort. The Alexandra and Crystal Palaces, at Muswell Hill and Sydenham respectively, are too far off for a daily visit, and no invalid cares to run the risk of an hour's journey in a draughty railway-carriage; but when the luxuries of a Winter-Garden and its numerous concomitant advantages are brought, so to speak, to one's very door, they are gladly welcomed and universally patronised. The Aquarium at Brighton has been an immeasurably greater pecuniary success than that at Sydenham, because for the inhabitants of Brighton it was within easy reach, and *pari passu* the fish tanks at Westminster should command popular patronage from the Cockneys. All our sea-coast watering-places are gradually providing themselves with these semi-scientific inducements to sociability, and it would be curious to ascertain how many connubial knots have been tied indirectly by the gambols of the porpoise, the contortions of the skate, the placid torpor of the sole, and the spasmodic elasticity of the Octopus.

The Aquarium originated in Brighton or the Crystal Palace, I forget which. The popularity of such an establishment has steadily increased. Science is benefited by careful and systematic collections of subaqueous specimens; and the quaint and unaccustomed motions, habits and customs of the denizens of the deep are interesting not only to the *connoisseur* but to the *profanum vulgus*. Still the area of an aquarium, wherever it may be situated, is necessarily limited; and fresh specimens cannot be procured every day, nor every week, nor even every month. Consequently, the purely submarine attractions of the aquarium have been gradually supplemented by extraneous entertainments. Music, newspapers, refreshments, &c., are now recognised as indispensable adjuncts, and tho-

"dim religious light," which hovers in a kind of halo over the tanks, is peculiarly adapted to the whispering of soft nothings between Chloe and her suitor. Parents and guardians of mature age can satisfy their thirst for knowledge, whilst their juvenile companions indulge undisturbed in "Love's young dream." Popular as these piscatorial repositories have proved, it is remarkable that the metropolis has not provided one. The omission has just been rectified. Mr. Wybrow Robertson, a gentleman well known in India and distinguished for his energy, versatility and perseverance, recognised the want and set himself to work to supply it. With the aid of some two hundred gentlemen, selected from the world of art, literature and science, from the turf, the drama, and the ranks of the Peerage, he has erected a magnificent building, after the model of the Crystal Palace, at Sydenham, in a most central situation, adjoining Westminster Abbey and the Houses of Parliament.

In the month of December 1867 central London was roused by a vivid blaze which made men think that Pall Mall and all the Clubs were doomed to destruction. Her Majesty's Opera House was on fire, and not all the efforts of the Fire Brigade could prevent its being burnt to the ground. The *impresario* who had the lease removed his operatic troupe to more classic if less fashionable ground in Drury Lane; and for two years the ruins of the Queen's Theatre lay undisturbed. Then Earl Dudley, the ground landlord, a nobleman whose eccentricity can only be paralleled by his wealth, rebuilt the theatre, but, having done so, demanded so exorbitant a rent that no operatic manager could come to terms with him. What sum he asked I do not pretend to say, but I do know, that if there is a liberal, reckless, nay quixotically extravagant, race of men on the face of the earth, it is the race of Italian Opera managers—witness Delaporte, Lamley, Delafield, and a host of others who have catered for public taste and perished financially in the attempt;—so I naturally conclude that the noble Earl's requirements were decidedly *hors ligne*. The theatre remained a "deserted village," and last spring it was authoritatively announced that it was to be converted into a West-End Stock Exchange. What horror! What desecration! Fancy the hoarse cries of brokers replacing the dulcet notes of Rubini! The shrill tones of the House janitors resounding in place of the sonorous but melodious outpourings of Lablache's marvellous throat! The passionate squeak of the young jobber in lieu of the liquid sweetness long drawn out of a Persiani and a Grisi! The blood of the old *habitués* must have run cold at the very idea! What have "contango" and "backwardation" in common with *Una voce* and *A te o cara*? True it is that many *prima donnas* in our day turn their "notes" into gold, but

this may be considered an aesthetic exchange totally at variance with the vulgar buying and selling of the money-market. Independently of sentiment, it would have been highly undesirable to establish an additional emporium of speculation in the heart of the West-End of London. Both the substantially gilded and the utterly impecunious youths of this great city are quite prone enough to cast their fortune on the hazard of a die. They require no fresh incentives to tempt the "jade." Many a man has saved some hundreds because it was "such a bore" to go two miles east of Temple Bar; how many thousands might he have squandered had the gambling-shop been set up within a hundred yards of his club! The Haymarket Opera House, however, is not to be converted into a privileged "Hell;" it is to be a Post Office, a *succursale* of the great establishment in St. Martin's-le-Grand. More "notes" will now issue therefrom than in the palmiest days of the lyric Drama, and the frequenters of its portals will be more concerned with the "timbre" of a foreign letter than with the "register" of a native voice. If the project is carried out, it will no doubt be a great boon to the West-End of London. After 7 P.M. a letter must now be sent to the post office in the city by a special messenger; when a new Head Office is opened in the Haymarket, letters will be posted there up to 8 o'clock in the evening; and no doubt the Indian and Continental Mails will then be dispatched from Charing Cross as well as from Cannon Street, whence only they start at the present time.

A man of uncompromising spirit, too often prone to mistake roughness for independence, has lately died. This was Mr. Graham, a Cumberland wrestler in his youth and a champion in the arena, who "bettered" himself into a "bagman," and eventually became the head of one of the most extensive distilleries in London. A few years ago, when already past middle age, he embarked upon the troubled waters of the turf, and became the owner of a greater number of winners within a short space of time than any man within my recollection. His good luck did not make him happy. Mystery was with him a passion, and he seemed to spend his whole time in devising means to delude his friends and foes as to the ownership of his horses. He plotted, contrived, and beat about the bush, but all to no purpose, for "murder will out," and when a doubt was started as to who really owned such and such a horse, it was immediately decided that Mr. G. was the man; so that in the end he had to bear the onus of remarks concerning not only his own stud but a miscellaneous lot besides. The Prince of Wales once sent an Equerry to invite him to the Royal Stand after he had won the Ascot Cup. With many unrefined expletives of the north, the distiller replied that if H. R. H.

wanted to speak to him, he had better come to him. He always considered himself a victim to aristocratic prejudice, because the stewards of the Jockey-Club would not regard his assertion that "Gladiateur" was a four-year old when he started for the Leger. Strange to say, man and horse died within a few days of one another; Gladiateur, according to Admiral Rous's dictum, "the best horse foaled since Bay Middleton," was a failure at the Stud. At three years old he was a triton among minnows, and as the saying is, "beat nothing in the Derby;" but his running in the Ascot Cup in 1866, when he beat Mr. Graham's mare Regalia, the winner of the Oaks, was one of the greatest performances ever witnessed on a race course. He was never a taking horse to the eye, and always had a "jolt," which was a standing menace to his backers. He never succeeded in getting a real race-horse, and the 7,000 guineas which he fetched at the hammer when Mr. Blenkiron's stud was dispersed, was never recouped by his saudine purchaser. One of his sons, named "Hero," who gave every promise of emulating his sire's fame, met with an accident and died without appearing in public.

I am, yours, &c.,  
PELIPATETIC.

#### HIGH COURT—MADRAS.

MORGAN, C. J., INNES, KERNAN, AND  
KINDERSLEY, JJ.

Judge of Small Cause Court—Section 39, Part IV, Act X of 1870.

Where the question was referred whether a Judge appointed under Section 3 of Act X of 1870 had power under the Act or otherwise to award costs in respect of proceedings had before him under Section 39, Part IV of the Act—

HELD, that the Judge had not power to award costs under Section 39, Part IV of the Act; and that the jurisdiction being of a special nature and exercised under a special enactment, must be strictly confined within the limits given by the statute.

R. C. 72 of 1875.

E. V. V. Ramanjew Naidoo v. M. P. Rungiah Naidoo.

THIS was a special case, stated by Mr. T. M. Busteed, for the consideration of the Hon'ble the Judges of the High Court, in the following words:—

"This is an action upon a decision of mine

under Act X of 1870, deciding that the defendant herein should pay to the plaintiff herein his costs of certain proceedings under the Act, and awarding a sum of Rupees 50 as and for such costs.

To this action the defendant has pleaded that my award of costs in such proceedings was *ultra vires*.

The decision under Act X of 1870 is Exhibit A in this action, of which a copy is sent herewith. I also send herewith a copy of the Record, which sets forth the plaint and judgment, &c., in this action.

Your lordships will observe that the proceedings marked Exhibit A were under Section 39, Act X of 1870, and that in awarding costs (para 15), I expressed a doubt as to my authority so to do. The fact is, I believe that I have not the power to award costs in respect of proceedings under Section 39, but to award them seemed to me the only way to raise the question. Having awarded the costs originally, I felt bound to give plaintiff a judgment for them in this action, making my judgment contingent upon the opinion of the High Court on a case to be stated under the provisions of Section 55, Act IX of 1850.

The right to recover costs being entirely the creature of statute, unless I can award them by virtue of the Act X of 1870 itself, or by virtue of the provisions of some other statute or Act applicable to the case, I have no power to award them.

I know of no other statute, or Act, different from Act X of 1870, whence the necessary power may be derived; and Act X of 1870 does not provide for costs in proceedings under Part IV.

Under Part III, which deals with the comparatively simple question of determining the amount of compensation, costs incident thereto are specifically provided for. Nowhere else in the Act are costs provided for.

It will be obvious that in apportioning the compensation (Section 39), most complicated and difficult questions may arise absolutely necessitating the very best professional assistance; yet if no costs can be awarded, parties successfully maintaining or defending their rights, must do so entirely at their own expense; and the usual safe-guard of having to pay costs being non-existent, honest and well founded rights are unfairly exposed to an additional risk of being groundlessly questioned and disputed.

The question which I beg to submit for your lordships' opinion is—

Whether the judge appointed under Section 3, Act X of 1870, to perform the functions of a judge under the said Act generally within the local limits of the ordinary original civil jurisdiction of the High Court of Madras, has power under the Act, or otherwise, to award costs in

respect of proceedings had before him under Section 39 of the Act?"

The following is the record of the case referred to by Mr. Busteed.

Reference to Court under Sections 15 and 38 of the Act.

In the matter of Poosala Vencataramanjulu Naidoo and M. P. Rungiah Naidoo, persons interested in land declared to be needed for a public purpose, and making conflicting claims in respect thereof.

This matter coming on for hearing on the 25th day of February 1875 in presence of Mr. Miller, who appeared for Rungiah Naidoo, and of Mr. Wright, who appeared for P. Vencataramanjulu Naidoo, this Court doth find, determine, and decide as follows:—

That the title of each of the claimants is derived admittedly from the late East India Company.

That each claims the land in question by virtue of, or as appurtenant, or incident to, a grant or certificate from the East India Company, No. 5,671, dated 1st October 1804 (B is the "Certificate.")

That such "Certificate" does not comprise the land in question, and that it has never been in fact granted to the claimants or either of them, or to any one from whom they can make title to it:

That the land in question is known as "Excess land," and has for a number of years been in the possession and enjoyment of the persons in possession of the land held under the "Certificate" No. 5,671 aforesaid.

That it is a custom, though not invariably followed, to allow such "Excess land" when discovered to remain in the possession of the person lawfully in-possession of the contiguous land, subject to the payment of an additional proportional quit-rent.

That for the "Excess land" in question, the Deputy Collector of Madras representing the Revenue authorities, has ordered the issue of quit-rent bills in the name of the original grantees in the Certificate No. 5,671, and has done so, intending to surrender the rights of the Government, if any, to the land itself or its value; and that, as in these proceedings the Government claims no interest in the land beyond the quit-rent, this Court does not feel bound to enquire whether they have any, or whether they have validly surrendered such as they may have had.

That in 1865, the persons entitled to the land in the "Certificate" No. 5,671 comprised, were P. Vencataramanjulu Naidoo (one of the claimants), and one Balakistna Naidoo.

That in 1871, Rungiah Naidoo (the other claimant), purchased for Rupees 250 at a Sheriff's sale, under a decree of the High Court

made in a suit in which one Chengnlroy Naidoo as mortgagee or pawnee of the right and interest of P. Vencataramanjulu Naidoo in the land in said "Certificate" comprised was plaintiff, and the said P. Vencataramanjulu Naidoo was defendant, the right, title and interest of the said P. Vencataramanjulu Naidoo in an undivided moiety of the land in said "Certificate" comprised; and was on 20th June 1871 put in possession thereof by the Sheriff, under a writ of possession (C is the conveyance from the Sheriff; No. 1 is the writ of possession.)

That the said Rungiah Naidoo never obtained, and does not possess any certificate under Section 259, Act VIII of 1859, registered under the Registration Act.

That on or about 10th June 1871, the said Rungiah Naidoo purchased the right, title, and interest of the aforesaid Balakistna Naidoo in the other undivided moiety of the land in said "Certificate" comprised, and was put in possession thereof by the said Balakistna Naidoo, and so far as the said Balakistna Naidoo could do so, of the "Excess land" now in question as well; and said Balakistna Naidoo admits the right of said Rungiah Naidoo to such "Excess land" and declines to set up any title thereto as against him (D is the conveyance from Balakistna Naidoo.)

That subsequent to his application marked H, the said Rungiah Naidoo applied for a new "Certificate" not including the "Excess land," and obtained one accordingly, bearing date 30th September 1871. (No. 2 is the new Certificate.)

That the possession by said Rungiah Naidoo of the "Excess land" since 20th June 1871 is not inconsistent with P. Vencataramanjulu Naidoo's title thereto, inasmuch as he would be entitled to such possession as vendee of Balakistna Naidoo's undivided moiety thereof.

That such right, title, and interest as said P. Vencataramanjulu Naidoo had in the "Excess land" was never in point of fact sold or assigned to said Rungiah Naidoo, nor was legal possession under the writ of possession given in respect of any more land than that which was comprised in the "Certificate" No. 5,671, and that such estate as the said P. Vencataramanjulu Naidoo had in the "Excess land," has never been in any way divested.

That said Rungiah Naidoo as vendee of Balakistna Naidoo and said P. Vencataramanjulu Naidoo are each entitled to a moiety of the compensation which has been agreed upon by and between the Collector and the persons interested, as the proper amount for the land in question, and that the said Rungiah Naidoo is not entitled to the whole thereof as claimed by him.

This Court doth further order and decide, (though doubtful of its authority so to do) that the said Rungiah Naidoo do pay to the

said P. Venkataramanjanlu Naidoo the sum of Rupees 50, for and as his costs in respect of these proceedings. Given under my hand this 8th day of March 1875.

(Signed) T. M. BUSTEED,  
Judge.

The High Court delivered the following

Judgment :—8th November 1875.

The question submitted is, whether the judge appointed under Section 8 of Act X of 1870 to perform the functions of a judge under the said Act, generally within the local limits of the ordinary original jurisdiction of the High Court, has power under the Act or otherwise to award costs in respect of proceedings had before him under Section 89, Part IV (apportionment of compensation) of the Act.

The High Court (a majority) is of opinion that the Judge has not power to award costs in the case stated.

The jurisdiction being of a special nature, and exercised under a special enactment, must be strictly confined within the limits given by the statute.

## HIGH COURT—BOMBAY.

[*Appellate Civil Jurisdiction.*]

WEST AND LARPEUT, JJ.

*Property of purchaser at revenue sale—Registration—Tender of Government rent by defaulter's mortgage—Collector's refusal to accept it.*

*The purchaser at a revenue sale, held in default of the payment of assessment, takes free of all incumbrances, although the revenue authorities, without otherwise depriving the defaulter of his right of occupancy, under Section 36 of the Bombay Survey Act I of 1865, have only sold his right, title, and interest: Abdul Gauji v. Krishnaji Bhikaji (10, Bom. H.C. Rep., 116) and Gundo Shiddeshvar v. Mardan Saheb (Id. Ib., 419) followed.*

*What operates to create the property recognised as a right of occupancy is the revenue sale and the consequent entry of the occupant's name in the Collector's books. A memorandum, therefore, declaring a person to be the successful bidder at the sale is not an instrument creating or declaring an interest in immovable property and requiring registration under Section 18 of Act XX of 1866.*

*The Collector may be responsible to the mortgagee of a revenue defaulter for refusing to accept the tender made by him of the Government rent, but if he does refuse it, and the land is sold, the title of the purchaser is unimpeachable.*

S. A. 73 of 1874.

Ghelabhai Bbikaridas v. Pranjivan Ichharam.

THIS was a special appeal from the decision of H. Birdwood, Acting Judge of the District of Surat, reversing the decree of Shivlal Nathubhai, Subordinate Judge at Ankleshwar.

The facts of the case are as follows :—

One Dildarkhan, the occupant of a Government piece of land, mortgaged it without possession to the defendant Ghelabhai first in 1863 and again in 1865. Dildarkhan having made default in the payment of the assessment due on the land, it was sold in 1867, and one Husain became the purchaser. He, too, made default, and the plaintiff Pranjivan purchased the land on the 23rd of March 1871.

In the meantime the defendant Ghelabhai in 1867 obtained a decree against his mortgagee, Dildarkhan, and Husain, and in execution of it attached the land and became a purchaser at the Court's sale in July 1871. Pranjivan, having unsuccessfully applied to remove the defendant's attachment, brought this suit in the Court of the Subordinate Judge of Ankleshwar.

The defendant answered that the plaintiff took the land subject to his mortgagee, and that he had registered his certificate of sale, whereas the plaintiff had not registered the document which declared him to be the purchaser at the revenue sale.

The Subordinate Judge rejected the plaintiff's claim, and held that neither Husain nor Dildarkhan were actually deprived of their occupancy by the revenue officers, who simply sold such rights as they possessed, and placed the sale proceeds to their credit.

The District Judge in appeal reversed that decree, on the ground mainly that the defendant could not, under his purchase at the Court sale, oust the plaintiff.

The special appeal was heard by West and Larpeut, JJ.

*Chunilal Maneklal for special appellant :—The proclamation for sale issued by the Mamlatdar professed to sell only the right, title, and interest of the defaulter in the land in dispute. Under Section 36 of the Survey Act, the absolute right of occupancy might certainly have been sold; but as a matter of fact, it was not. The fact that the sale proceeds were credited to the defaulter's account shows this beyond doubt. The plaintiff, who is the purchaser of this interest, simply stands in the place of the defaulter; and the mortgagee defendant is, therefore, entitled to maintain his*

possession till the satisfaction of his lien; *Abdul Gani v. Krishnaji Bhikaji*,\* and *Gundo Shiddeshvar v. Mardan Saheb*,† follow *The Secretary of State v. The Bombay Landing and Shipping Company*.‡

That was a case on the Original Side applicable to the town and island of Bombay, and though the Regulations of 1827 have been referred to as authority for showing that land revenue has been made a charge upon land that is a mistake. Clause 3 of Section 5 of Regulation XVII of 1827 enacts: "In all cases the revenue of the year, if not otherwise discharged, shall be recoverable, in preference to all other claims, from the crop of the land assessed." At any rate the decided cases do not apply, as the absolute right of occupancy of the defaulter was never sold in this case.

The defendant's certificate of sale is registered and takes precedence over the unregistered memorandum of the plaintiff's sale.

The defendant as mortgagee had offered to pay the assessment due by his mortgagor, and the Collector was bound to receive it. The Courts below having refused to inquire into this matter, the case should at least be remanded.

*Nagindas Tulsidas* for the respondent:—Section 36 of the Survey Act of 1865 is imperative, and absolutely forfeits the right of occupancy on failure to pay the assessment. The Government have no power to deal with a defaulter in a different manner. The practice of crediting a defaulter with the sale proceeds is founded on expediency, see Government Resolution No. 1,170, of 12th March 1872, at page 113 of Nairne's Hand-Book. The cases cited by the appellant exactly resemble this case, and govern it. The plaintiff's right of occupancy was perfected by the sale itself and the registry of his name by the Collector. The document in which he was declared the highest bidder need not, therefore, be registered. As to the defendant's offer to pay the assessment, he did not ask for any issue.

**PER CURIAM:**—We are of opinion that this case is substantially governed by the decisions in *Abdul Gani v. Krishnaji Bhikaji* and *Gundo Shiddeshvar v. Mardan Saheb*. These establish that "the land revenue is the paramount charge on the land," and that by selling the occupancy right, the Collector, as the agent of Government, exercises at the moment of sale the right of forfeiture or deprivation vested in the revenue authorities by Section 36 of the Bombay Survey Act. The occupancy, which was taken as a conditional one, is thus brought to an end, and with it fall interests carved out of it.

It was argued, and with much ingenuity, by Mr. Chunilal, that albeit the revenue officers

had the power to declare the occupancy rights of Husain forfeited, yet they did not in fact avail themselves of this power. They elected rather according to the rule prescribed by Government Resolution No. 1,170, dated 12th March 1872, to treat Hussin's occupancy right as an existing property, and to sell it as such under the rules of Regulations XVII and IV of 1827. But having been sold as a subsisting property, it must be regarded, it was contended, as sold, subject, like other property, to all charges and liens legally created by the owner so as to effect it. It was further urged that only "the right, title, and interest of Hussin were sold, not any absolute proprietorship. But when land becomes subject to sale in order to realize a paramount charge, all charges subsequently created must ordinarily be extinguished in order to give effect to the sale, and nothing has been pointed out to us in the rules made by Government under the Survey Act, or Regulation XVII of 1872, which indicates that any intention was ever entertained by Government of selling a defaulter's land subject to incumbrances created by him. Such a course would be in almost every case injurious either to the defaulter, or to Government, or to both, by the doubt it would create as to the title taken by the purchaser, and was, in all probability, never contemplated. The "conditional occupancy" fails when the property is sold, and having been essentially conditional all through, has made all subordinate rights, depending on it, conditional also. The notice follows the usual form of those prescribed by the Code of Civil Procedure and the forms based on it, but as these are held sufficient to give to the purchaser under a sale in execution of a decree on a mortgage a right dating back to a time prior to all subsequently created incumbrances, so the purchaser's right in this instance must date back to the beginning of the "conditional occupancy," Government's right to deal with which on a default arose at the same moment as Hussin's tenancy.

As to the question of registration, we think that the document No. 3 is not an instrument which creates or declares an interest in immoveable property within the meaning of Section 18 of Act XX of 1866. What operates to create the property recognized as a right of occupancy is the entry of the name of the occupant in the Collector's books. The revenue authorities can recognize no other, and what they have to deal with is solely the right of occupancy. The paper No. 3 is a mere memorandum from the Mamlatdar that Pranjivan has been the successful bidder at the auction. It does not, therefore, come into competition, under Section 50 of the Registration Act of 1866, with Ghelabhai's certificate as purchaser at an execution sale. Pranjivan's title had already been fully acquired, not by means of

\* 10, Bom. H. C. Rep., 416.

† 10, Bom. H. C. Rep., 419.

‡ 5, Bom. H. C. Rep., 23 O. C.

a conveyance or any other document passed to him, but by the revenue sale and consequent change of names in the *khata* or account, and by the effect given to this change by the law before Ghelabhai bought the conditional occupancy, which by the fulfilment of the condition of forfeiture had become extinct when he purchased.

But Ghelabhai, it is said, being mortgagee, tendered the Government rent of Husain's fields. If he did this in the proper way, the rent ought to have been received. The Subordinate Judge gave no finding on the point. The District Judge considered that it could not be raised unless the Collector were made a party. But Section 48 of the Survey Act directs that the dues leviable under it shall be collected according to the provisions of the Regulations, and Regulation XVII of 1827, Section 12, Clause 7, says that the Collector's order for the realization of the revenue shall occupy "in all respects the place of a judicial decree." This is sufficient to give to Pranjivau au unimpeachable title, although, if the Collector wrongly refused Ghelabhai's tender of the rent under circumstances which made it his duty to accept the tender, he may be responsible for the injury thus done to Ghelabhai.

For these reasons, we confirm the decree of the District Court with costs.—*Bombay High Court Reports*, Vol. XI, p. 218.

## HER MAJESTY'S PRIVY COUNCIL.

### [BENGAL CASE.]

*Undivided Hindoo family—Mortgage by undivided member—Sale by widows—Rights of purchasers, mortgagees, and of surviving undivided members.*

B. L., member of an undivided Hindoo family, died leaving two widows; subsequently these widows were sued for debts incurred by B. L. which were not for the benefit of the joint-family, and decrees were obtained against them. Further, in his life-time, B. L. had executed a mortgage of his share of the family property. B. L.'s nephew sued to recover from the purchasers and from the mortgagees, the property of his uncle. A Full Bench of the Calcutta High Court, to whom the Division Bench referred the matter, were of opinion that the nephew had a right to the property sold under the decrees against the widows; but that as to the mortgage, though B. L. had no power to mortgage his share without the consent of his family, yet, without a fuller knowledge of the facts of the case, they could not say that the nephew was entitled to recover without redeeming the mortgaged property.

HELD, that the decision of the Full Bench on the first point was correct; that there had been no

real trial on the second point; that the facts being insufficiently found, no opinion should be pronounced on it; and that the judgment of the Division Bench, that B. L. had power to mortgage his share, must be reversed.

Judgment of the Lords of the Judicial Committee of the Privy Council on the appeal of *Mussumat Iphoolbus Koonwur* and another v. *Lalla Jogeshur Sahoy* and others from the High Court of Judicature at Fort William in Bengal, delivered 1st February 1876.

Present.

SIR JAMES W. COLVILE.  
SIR MONTAGUE SMITH.  
SIR JOHN B. BYLES.

The suit out of which this Appeal has arisen concerns a moiety of the undivided share of one Bhugwan Lall Sahoo, in certain immovable property situate in Zidah Saran. Bhugwan Lall Sahoo, who died in 1860, was the member of a Hindoo family which was descended from a common ancestor, named Deepa Sahoo, and was governed by the law of the Mitacshara, the general law of the province in which it was domiciled. He died childless, but left two widows, Moheshee and Parbuttee. They therefore would have been his general heirs had he been wholly separate in estate; and were in any case entitled to such part of his succession as had been acquired, or was held by him as separate estate. On the other hand, if the status of the family continued at the time of his death to be that of a joint and undivided Hindoo family, his interest in the joint family property survived to his male coparceners. The only persons who answered that description were Sudaburt Pershad, and the plaintiff Hurreenath Pershad. They, in some of the proceedings, are called his nephews, but according to the pedigree set out in the appellant's case, and apparently proved in the cause, they were his first cousins, the sons of two different uncles.

It must now be taken to have been conclusively determined that Bhugwan at the time of his death, though entitled to certain subsequent acquisitions as separate estate, was, as to all the properties acquired by the family in the name of any of its members before the year 1846, joint in estate with Sudaburt and Hurreenath, and accordingly that his share in those properties became vested by survivorship in them. This question was first litigated in a suit brought by Sudaburt in 1861. The principal defendants to that suit were the widows. The Judgment of the Zillah Judge, confirmed on appeal by the High Court, on the 10th March 1863, made the distinction above stated between the properties acquired before, and those acquired subsequently to 1846, affirming the title of the surviving male members of the joint family to the former. It unfortunately, however, happened that owing

either to the frame of this suit, or to the manner in which the decree made in it was executed, the result of this earlier litigation was only to put Sudaburt into possession of one moiety of Bhugwan's share in the joint family property.

Subsequently the remaining half-share of Bhugwan in portions of the joint family property appears to have been seized and sold in execution of various decrees obtained against his widows as his representatives. And on the 10th April 1865, the present suit was instituted by the mother and guardian of Hurreenath in order to recover possession, and to have his name entered as proprietor of his moiety of Bhugwan's share in the joint properties, and to cancel and set aside the execution sales under the decrees against the widows. The defendants to that suit were the widows, the different purchasers under the execution sales, and, under the description of "Precautionary defendants," the widow of another deceased member of the joint family, as to whom there is now no question, and Sudaburt Pershad, the plaintiff in the former suit. As such defendant Sudaburt filed the written statement at page 18 of the Record, in which he disclaimed all interest in the suit, on the ground that under the decree in his own suit he had been put in possession of his share in the property in dispute. The cause was tried between the plaintiff and the other defendants, and a decree was made by the Principal Sudr Ameen on the 9th April 1866, which, in so far as it related to the particular properties which are the subject of the present appeal, was in favour of the plaintiff. Against this decree the parties defendants, who were affected by it, appealed to the High Court. Their appeals were necessarily separate, inasmuch as the suit was so framed as to embrace interests, not only dependent on different titles, but confined to particular portions of the property in dispute. The High Court decided many of these appeals in favour of the defendants, upon grounds of which some will be afterwards considered. This appeal to Her Majesty in Council originally embraced only eleven of the separate decrees so made. And of these Mr. Cowie has given up one—viz., No. 237. Accordingly their lordships have now only to deal with the questions involved in the ten appeals, numbered respectively 178, 224, 235, 239, 244, 234, 243, 238, 240 and 245.

The course of proceeding in the High Court with respect to these appeals was as follows:—The Division Bench before which they came, conceiving that they involved points of law on which the authorities were conflicting, referred the following questions to the consideration of the full Bench:—

1. Bhugwan Lall, a member of a Hindoo family living under the Mitakshara law, and having joint family property, died entitled to

an undivided share in such property, and leaving two widows him surviving. After the death of Bhugwan Lall, his widows were sued in their representative capacity in respect of debts incurred by him in his lifetime on his own account, and not for the benefit of the joint family, and decrees were obtained against the widows in that capacity. In execution of one or more of these decrees, an interest in certain portions of the joint family property, to the extent of the share to which Bhugwan Lall was entitled in his lifetime, has been sold by auction, and the purchasers have taken possession. Can the nephew of Bhugwan Lall, who is one of the surviving members of the joint family, recover from the purchasers possession of the interests which they have purchased, or any part of them?

2. Bhugwan Lall in his lifetime executed an ordinary surpeahgee mortgage in respect of his undivided share in a portion of the joint family property, in order to raise money on his own account, and not for the benefit of the family. Can the nephew of Bhugwan Lall recover from the mortgagee, without redeeming the same, possession of the mortgaged share, or any portion of it?

The first of these questions the full Bench unanimously answered in the affirmative. The result of their opinions is thus expressed by the Chief Justice, Sir Barnes Peacock, at the close of his Judgment:—"I think, therefore, that this property, not being the property of the widows, and not being the property of the heirs of the deceased, could not be made available under the decree against the widows; that if it could be made available at all for payment of the debts of the deceased, it must be in a suit against the survivors to charge the share of the deceased in the joint estate with the payment of the decree, by suing the survivors for the debt, and asking to have the deceased's share of the estate made available in the hands of the survivors to the same extent as that to which it would have been made available if the deceased had left a son and the estate had gone to him by inheritance, instead of to the survivors by survivorship. I think, then, that the question must be answered in the affirmative; that plaintiff has a right to sue the purchaser under the decree to recover back the estate, inasmuch as the property belongs to him, and the title of the purchaser under the decree against the widows is an invalid title."

Upon the second and more difficult question the Chief Justice, after reviewing the authorities, came to the conclusion that, according to the law of the Mitakshara, as settled by authority in the Presidency of Bengal, Bhugwan Lall had no authority, without the consent of his co-sharers, to mortgage his undivided share in the joint family property in order to raise money on

his own account, and not for the benefit of the family. He further observed that the facts were not sufficiently stated to enable the full bench to say whether the nephew Bhugwan Lall could recover from the mortgagees, without redeeming the same, possession of the mortgaged share, or any portion of it. The other members of the full Bench also concurred in this opinion.

The appeals, the parties not consenting to have them decided by the full Bench, necessarily went back to the Division Bench, and were thus dealt with. Mr. Justice Markby, after going through the facts in each case, held that Nos. 170, 224, 235, 239, and 244, were wholly governed by the answer of the full Bench to the first question, inasmuch as in each the title of the appellant defendant depended entirely on the validity of his purchase at a sale had in execution of a decree against the widows, and was consequently defective.

In No. 243 it was alleged by the appellant that the property claimed, Mouzah Telpakhoord, was subject to a Zurpeshgee lease, executed by Mukhnu Sahoo, a member of the joint family who predeceased Bhugwan Lall. Mr. Justice Markby, however (Record, p. 466), seems to have found that the title of the appellant did not depend on this alleged Zurpeshgee, from which he had been ousted, but on a purchase at a sale in execution of the decree which he had obtained against the widows; and consequently that this case was not distinguishable from No. 170.

In No. 234, however, the property in question was clearly subject to a subsisting Zurpeshgee lease, created by Bhugwan Lall; and in this case, therefore, there necessarily arose the further question, whether the plaintiff could recover this parcel of land without redeeming the mortgage on it. And the learned Judge, accepting, apparently against his own judgment, the principle affirmed by the answer of the full Bench to the second question, held that it would entitle him to do so. There remained three other cases, viz., Nos. 238, 240, and 245, which would have fallen into the first of the before-mentioned classes, if the learned Judge had not held, for reasons which will be presently considered, that the plaintiffs' claim in respect of them was barred by the one year's rule of limitation prescribed by the 246th section of Act VIII of 1859. If then the case had rested there, the result would have been a decree in favour of the plaintiff on all the appeals now in question, except the three last. Mr. Justice Markby however proceeded to lay down a principle which governed all the cases, and, as it seemed to him, justified in each, the dismissal as against the appellant of the plaintiffs' suit. That principle will be afterwards more fully stated and considered.

Mr. Justice Kemp, the other Judge of the

Division Bench, concurred with Mr. Justice Markby on this last point, but expressed no opinion on the question of limitation which was raised in appeals Nos. 238, 240, and 245. A decree was accordingly made in favour of the parties appellant in each of the ten appeals. And this consolidated appeal is against those decrees.

Their lordships propose in the first instance to consider whether the appeals Nos. 238, 240, and 245 have been rightly disposed of on the ground of limitation. The facts proved are that in each of these cases the plaintiff through his guardian, preferred a claim to the property, when attached, under the 246th section of Act VIII of 1859; that that claim was rejected; and that the present suit was not brought within one year from the date of the order of rejection. This objection would have been fatal to the suit, had the party preferring the claim been an adult; and the only question to be determined was whether the plaintiff, being under the disability of infancy, could claim the benefit of the 11th section of Act XIV of 1859, which empowers him or his representative to bring a regular suit within the same time after the cessation of the disability as would otherwise have been allowed from the time when the cause of action accrued. This question, Mr. Justice Markby observed, involved several contested propositions, viz.:—

1. That Sections 11 and 12 of Act XIV of 1859 apply to Section 246 of Act VIII of 1859.
2. That the plaintiff is under disability within the meaning of these sections.
3. That the benefit of these sections applies as well to the period during which the disability continues, as to the period when the disability has ceased.

Upon the two first propositions, his opinion was in favour of the plaintiff; upon the third he held that whatever benefit the minor was to have, was to accrue to him not during the disability, but when the disability might cease; and accordingly that the present suit being brought by him, whilst still a minor through his guardian, must fail.

Upon the second of the propositions stated by Mr. Justice Markby, their lordships cannot see how, in face of the plain language of the 12th section, there can be any room for doubt.

Upon the first they also agree with the learned Judge that Sections 11 and 12 of Act XIV of 1859 do apply to the 246th section of the Act VIII of 1859.

The two Statutes were passed in the same year, the assent of the Governor-General being given to Act VIII on the 22nd March, to Act XIV on the 4th May 1859. The object of the first was to enact a general Code of Procedure for the Courts of Civil Judicature not established by Royal Charter. The object of the second was to establish a general Law of Limit-

ation in supersession both of the regulations which had governed those Courts, and of the English Statutes which had regulated the practice of the Courts established by Royal Charter. Looking to the fifth sub-section of the 1st section, and the 3rd and 11th sections of Act XIV of 1859, their lordships have no doubt that the intention of the Legislature was that the period of limitation resulting from the 246th section of Act VIII should in the case of a minor, be modified by the operation of the 11th section of Act XIV; and that this construction has obtained in the Courts of India appears from the case cited from the "Third Weekly Reporter," C. R., p. 8.

In coming to this conclusion, their lordships have not failed to consider the recent decision of this Board in the case of *Mohumud Behادر Khan v. The Collector of Bareilly* (L. R., 1, Indian Cases, p. 167). That case, however, they think, is distinguishable from the present. It arose upon a very special Statute, and upon that ground the judgment rests. Their lordships there said: "It was argued that the clauses in the General Statute, Act XIV of 1859, relating to disabilities, might be imported into this Act, but this cannot properly be done. Act XIV is a Code of Limitation of general application. This Act is of a special kind, and does not admit of those enactments being annexed to it. And they proceeded to observe that the application of the Statute (if it did apply) would not assist the appellants, who would not even in that case have brought their suit in proper time.

This being so, the only other point to be considered on this question of limitation is whether the learned Judge was right in holding that an infant cannot, after the expiration of the year, bring a suit by his guardian whilst the disability of infancy continues. Their lordships cannot agree in this construction, which it would appear from the cases cited by Mr. Bell (*Ramchunder Roy v. Umbica Dossee*, 7, W. R., 161; *Ramghose v. Greedhur Ghose*, 14, W. R., 429; and *Sufuroonissa Bibes v. Noorul Hossein*, 17, W. R., +19) has not been accepted or followed by the Courts in India. It is unreasonable in itself, since it implies that the infant's claim, which is admittedly not barred, was asserted too soon rather than too late; and it cannot be the policy of the law to postpone the trial of claims. Again, to render such a construction imperative, the phraseology of the 11th section must be altered by making the words "after the disability shall have ceased" precede, instead of following, as they do, the words "within the same time." Their lordships are therefore of opinion that the plaintiff's suit is not open to the objection that, in so far as it concerns the properties in question in Nos. 238, 240, and 245, it has not been brought within the proper time.

The next point to be considered is whether the High Court was right in allowing all the ten appeals, and in dismissing the plaintiff's suit as to those portions of the joint family estate which were the subject of them, on the ground that the suit was wrongly framed.

It is to be observed that the objection taken by the Division Bench to the frame of the suit, assumes the correctness of the answer given by the full Bench to the second of the questions referred to it, and is in the nature of a corollary from the proposition therein affirmed. The learned Judges of the Division Bench argue that if it be true that a member of a joint and undivided Hindoo family cannot alienate his undivided share in the joint family property without the consent of his co-sharers, it follows that he cannot alone sue for his separate share. And they rely upon a decision in the "12th Weekly Reporter, page 83," in which it was ruled that two only of the members of a joint and undivided family could not sue to set aside a charge created by one member of the family, and to recover their particular shares in the property charged, but that the suit must be brought by or on behalf of all the members of the joint family. Their lordships do not mean in any way to impugn the authority of that case, or to dispute the general principle affirmed by it. They do not, however, think that the principle is applicable to the peculiar circumstances of, or ought to govern, the present case.

In this case Sudaburt, the only other member of this joint family, has, under the practice which was then allowed to prevail in the Courts of India, succeeded in recovering, and has been put into possession, of his share of the joint family property. He cannot be said to have any beneficial interest in respect of which he could now sue as plaintiff; and supposing him to have an interest, the present plaintiff has made him a party to this suit in the only way in which a person who is unwilling or unable to be joined as plaintiff can be brought before the Court, i.e., by joining him as a defendant. In that character Sudaburt has disclaimed all interest in the subject matter of the litigation, alleging that he has already been put into possession of all to which he is entitled. Again, in most, if not all, of the appeals the title of the substantial defendants is founded on execution sales confined to that moiety of Bhugwan's share which, on a partition, would now fall to the plaintiff. The objection to the frame of the suit was not taken by the substantial defendants; it seems to have originated with the Judges of the Appellate Court. It is one of form rather than substance; for it cannot be said that if it does not prevail, the defendants (Sudaburt being a party to this litigation and admitting that he is in possession of his share in) can be harassed by any second

suit. On the other hand, if the objection prevails, the defendants will remain in possession of property to which, after full trial, they have been found to have no title; and the plaintiff will be left to the chances of another suit, in which he may be met by objections well or ill-founded on the lapse of time, or the effect of the decrees under appeal as *res judicata*. Their lordships are of opinion that they ought not to allow the objection to prevail against the substantial justice of the case.

What has been said is sufficient to determine this appeal in favour of the appellant, so far as it relates to the decrees of the High Court in the nine appeals numbered respectively 170, 224, 235, 236, 243, 244, 238, 240, and 245.

There is, however, as has been already stated, a further question as to the appeal numbered 234, and at the hearing it occurred to their lordships, who have unfortunately to determine this appeal *ex parte*, that if the respondents had appeared, they might, without a cross appeal, have contested the correctness of the answers given by the full Bench to the questions referred to them, answers which are not in the form of a decree, or even of an interlocutory order. To the answer to the first question their lordships think no objections could have been urged successfully. The second question, however, involves a point of Hindoo law, upon which the authorities are not altogether consistent; nor are their lordships satisfied that the principle laid down by the full Bench would, if correct, govern this particular case, of which they will now proceed to examine the circumstances somewhat more in detail.

The property to which it relates is thus described in the Schedule to the Plaintiff at page 8 of the Record. The village is specified as Talmanpore Bhada in two kalums (items). The share of the joint family is stated to be one of ten annas and eight pie. Of this five annas and four pie are deducted as the share of Sudaburt Pershad, which reduces the share claimed by the plaintiff to five annas and four pie. The column of remarks contains the following statement: "This Mouzah was held in Zurpeshgee lease under a Zurpeshgee deed executed by Saligram Sahoy and Ramrucha Sahoy. It was sold at an auction on the 18th November 1862, and purchased by the defendant Bikramajeet Lall for three Rupees. The Zurpeshgee and lease are fit to be cancelled."

Bikramajeet Lall and another defendant were the appellants in No. 238, which seems to have covered the whole of the five annas and four pie share of Talmanpore Bhada with other portions of the property in dispute. From what has been stated above it follows that their title, resting as it does upon a purchase at a sale in execution of a decree against the widows, is defective; that the right of the

plaintiff to impeach it is proved, and accordingly their appeal ought to have been dismissed. This, however, does not determine the rights of the plaintiff as against the Zurpeshgeedars. He may be entitled either to recover so much of the property as is covered by the Zurpeshgee by setting aside the Zurpeshgee lease, or merely to stand in the shoes of the nominal mortgagor. But the nature and extent of his right can only be determined in Appeal No. 234.

The appellants on that appeal were the original Zurpeshgeedars Saligram Sahoy, and Ramrucha Sahoy. The Zurpeshgee deed is at page 423 of the Record, and appears to have covered originally only 5 annas and 4 pie of the entire 16 annas of Mouzah Talmanpore Bhada. If then it be true that Sudaburt Pershad has succeeded in recovering one moiety of this, the subject of the dispute on this appeal is the remaining moiety or a 2 annas and 8 pie share. And this appears to have been the view of the High Court, for their decree on this appeal (see pp. 479-80) is limited to a 2 annas and 8 pie share. If on the other hand Sudaburt has not succeeded in his suit in setting aside the Zurpeshgee as against him, or in otherwise wresting possession of his share from the Zurpeshgeedars, it follows that the question of the validity of this Zurpeshgee remains to be determined between the latter on the one side, and him and the present plaintiff on the other.

The plaint in this suit alleged no special grounds for setting aside the Zurpeshgee of the 9th December 1859, and indeed contained no special mention of it. The written statement of the defendants Saligram and Ramrucha (p. 31) set up that deed, and insisted on their rights under it. But none of the issues are specially pointed to the validity of the deed. Nor do the judgment or the decree (p. 439) of the Principal Sudr Ameen deal with that question. All that they decide with respect to the share claimed in Talmanpore Bhada is that "plaintiff be put in possession thereof in the manner in which possession has been given by the decree of the 5th April 1862" (to Sudaburt.)

This reference to the suit of Sudaburt makes it material to consider whether there really was any adjudication upon this question in that suit. The suit, it will be remembered, involved the right of succession to the whole of the property of which Bhngwan Lall died possessed as between his widows and the surviving members of the joint family. The plaint which is set out at page 226 of this Record, contains no specific statement touching the Zurpeshgee deed of the 9th December, 1859, unless it be in the Schedule (at p. 231), where in the column of remarks it is said "the deed to the extent of plaintiff's share, ought to be amended." The judgment of the Zillah Judge (p. 55) put the share in Talmanpore Bhada into the first par-

cel which it found to be joint family property. So far it affirmed the title of Sudaburt and Hurreenath, and negatived the title of the widows, to whatever interest in it belonged to Bhugwan Lall at the time of his death. But in answer to the 11th issue it expressly found (p. 571) that the deeds executed by Mukhum, Bhugwan, or the other partners were valid. The decree was a general decree for possession over the properties in the first list. The High Court, on appeal, simply affirmed this judgment and decree of the Zillah Court. Can it be said that this judgment and decree import any adjudication touching the invalidity of the deed of the 9th December 1859 as against the surviving members of the joint family, even if the plaintiff in this suit could claim the benefit of such an adjudication? The judgment, so far as it goes, is on the face of it the other way. The terms of the decree may import only that the plaintiff Sudaburt was, so far as his share was concerned, to be put into possession of the rights of Bhugwan. If in the execution of that decree, he has contrived, it may be wrongfully, to dispossess to the extent of his share, the Zurpeshgeedars, that circumstance cannot give title to the plaintiff.

Again, what has been found by the High Court with respect to this appeal? The answer of the full Bench expressly stated that the facts were not sufficiently stated to enable them to say whether the nephew of Bhugwan Lall could recover from the mortgagee, without redeeming the same, possession of the mortgaged share or any portion of it. That statement, taken in connection with the general principle affirmed by them, imports that there was no *constat* that the execution by Bhugwan of the deed was without the consent of his co-sharers, or not for the benefit of the family. Mr. Justice Markby (at p. 466) does not consider this latter question, but simply says "As no objection was made to the reference to the full Bench, I think we ought to accept its decision for the purposes of this case, and to hold that the appellants have failed to establish their title."

In these circumstances there appears to have been no real trial of the question between the plaintiff and the appellants in No. 234; and therefore, assuming the principle enunciated by the full Bench, in its answer to the second question to be strictly correct, their lordships do not feel themselves at liberty to reverse the decree in favour of the appellants, and to make a decree in favour of the plaintiff. This being so, they abstain from pronouncing any opinion upon the grave question of Hindoo law involved in the answer of the full Bench to the second point referred to them, a question which, the appeal coming on *ex parte*, could not be fully or properly argued before them. That question must continue to stand, as it now stands, upon

the authorities unaffected by the judgment on this appeal.

Their lordships have felt some doubt as to the form of the order which ought to be made on appeal No. 234. The plaintiff has failed to establish his title to recover the land against the Zurpeshgeedars. He might, however, have established such a title even in this suit, had a proper issue been framed and determined. On the other hand, he has established his title to the property, subject to the Zurpeshgee. His rights may be prejudiced by the decree as it stands. The suit is an example of the inconvenience of embracing in one suit titles to various parcels of land, which, although having a common foundation, are different in many particulars, and are to be asserted against defendants having no common interest. Their lordships have come to the conclusion that the dismissal of the present suit against the appellants in No. 234 ought to stand, but that the decree of the High Court on that appeal ought to be varied by adding a declaration that it is to be without prejudice to the right of the plaintiff to recover the lands in question on satisfaction of the Zurpeshgee. This appeal, so far as it relates to No. 237 (the case given up by Mr. Cowie) must be dismissed, and the decree made by the High Court in that case affirmed. In the other nine cases, the decrees of the High Court must be reversed, and an order made, dismissing in each case the appeal to the High Court, with the costs of the appeal in that Court, and affirming the decree of the Principal Sudr Ameen as to the parcels of property which are the subjects of those appeals. The above will be the substance of the order which their lordships will humbly recommend Her Majesty to make.

Their lordships think that there should be no order as to the costs of this appeal.

#### CIRCULAR ORDER OF THE BOARD OF REVENUE.

##### No. I.

STANDING NO. 379-6.

##### EXTRA TENTAGE.

*Proceedings of the Board of Revenue, dated 31st January 1876, No. 279.*

EXTRA tentage will not be allowed in any case for journeys by rail, nor, G.O., dated 5th January 1876, No. 10, R. D. where no tents are carried, for marches by road, but mileage will be drawn at the following rates:—

	RS.	A.	P.
For journeys by rail	0	3	0
Do. by road	0	8	0

The disallowance of extra tentage for marches by road without tents does not apply to Malabar and Canara, where the existing practice will continue in force.

2. In the matter of halts and of expeditions travelling by road, when tents are carried or sent out, extra tentage will be allowed under the present rules contained in Standing Orders <sup>279</sup>, <sup>279</sup>, <sup>279</sup>, and <sup>279</sup>. When extra tentage is claimed by distance, the necessity for rapid travelling should be explained, and the Board will decide with reference to the circumstances of each case whether speed was required in the interests of the public service.

### OFFICIAL PAPER.

#### FISH-CURING AT POINT CALIMERE, TANJORE DISTRICT.

*Proceedings of the Madras Government, Revenue Department, 14th February 1876.*

Read the following Proceedings of the Board of Revenue, dated 7th December 1875, No. 3307:—

Read the following letter from H. S. THOMAS, Esq., Collector of Tanjore, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Vallam, 9th November 1875, No. 5137.

I HAVE the honor to request the sanction of the Board of Revenue for making at Point Calimere an additional experimental enclosure for curing fish with salt supplied at the reduced price allowed in Board's Proceedings dated 26th August 1874, No. 2394.

2. One place was selected at Adrampatam by the Salt Deputy Collector when I was quite new to the district, and I believe the selection was the best one possible in regard to the number of fish there caught and the number of fish-curers, and I would not repent of it; but I am anxious, if permitted, to have another experimental enclosure at Calimere, because Calimere has certain special advantages peculiar to itself.

(1.) It is immediately connected with Trichinopoly and the interior generally by rail and canal, so that both edible salt-fish and fish-manure, of which I shall speak below, can be cheaply sent to market, and the market is calculated to be a large one.

(2.) It is close to the Vedarniem salt swamp, so that we can supply for this curing the spontaneous salt, which is the cheapest we make,

and which will thus be insured an increased local market.

(3.) It is a more accessible place for my own inspection than Adrampatam, for I have a house on the spot and can quickly reach it by rail and canal, and might perhaps be able to give the curers some hints as well as see what they were doing.

3. Though there may be more fish caught at Adrampatam, still the takes at Calimere are by no means small, for I myself saw a whole fleet of boats out fishing. Small sailing vessels coming in full of the *Polydromus Indicus*, Shaw (Anglice, Roe Ball and sometimes Salmon Fish), a good firm fish of ordinarily three feet in length, which were being unloaded and carried off in cart-loads. The fishermen and merchants were very anxious to have the same salt privileges as Adrampatam, and pressed me about it repeatedly. As they are so close to the spontaneous salt swamp, it is all the more advisable to remove the temptation to steal that salt by placing within their reach a legitimate method of getting salt cheaply.

4. I find that salt-fish are sold in the town of Tanjore which have come all the way from Beypore by rail. It is very unjust to our fishermen that they should be beaten in the competition by fish brought from such a great distance. It is hard on the consumer, too, that he should have to pay for the carriage of it from the other coast when he might be more cheaply supplied by rail from Negapatam.

5. I hope, therefore, that the Board will be pleased to sanction the accompanying estimates for forming an enclosure at Point Calimere for fish-curing and for the requisite police guards for watching the same.

6. While on the subject of edible salt-fish, I would bring forward the concomitant subject of fish-manure. The fish caught out at sea, where the fleets stay for a week or thereabouts, are cleaned on board, and the offal, which amounts to I am afraid to say how many tons, is thrown overboard and wasted, whereas, if it were salted, it would make a valuable manure, and would, I think, command a good market on the Nilgiris, the soil of which is particularly deficient in salt, so that it would be a great boon to the coffee planters, who, I am told, would gladly give Rupees 25 a-ton for fish-manure delivered at Mettapollem, and I am hopeful that it can be there delivered at something very much below that figure.

7. To give pure salt at the reduced price for use outside the enclosure would, of course, be dangerous to the monopoly. I would propose, therefore, that any salt mixed in at least equal proportions with ashes, bone-dust, lime, or anything that will render it unfit for human

food, or, so to speak, methylate it, might be carried outside the enclosures to be used on boardship.

8. If it will be no loss to Government to give the salt for curing purposes at the rates now allowed, it will be no loss to give it also for manuring purposes, and it is obvious that the larger the scale on which the experiment can be worked, the better will it be for Government, which has to keep up a Police guard, and the better for the curer who can work two trades as easily as one. And, if it will be profitable with the manufactured salt, much more will it be likely to be so with the cheaper spontaneous salt.

9. If this concession be allowed, the procedure will be as follows:—

(1.) The merchants will as now buy at monopoly price, and take out with them to their fishing grounds enough of good edible salt to keep their fish from decomposition between the fishing grounds and the shore and enclosures.

(2.) They will also bring to the enclosure before starting out fishing as much ash, lime, or bone-dust as they want salt; and, the two being there well mixed in equal proportions, they will be charged for this salt at the reduced price only, and will, after the mixture, be allowed to take it out to their fishing grounds, and, their fish offal being well treated with this mixture on boardship, will be ready for market directly they land.

(3.) Their partially-cured fish will come to the enclosure, and be there thoroughly well salted with salt supplied at the reduced price.

10. I may here remark that the salt bought at monopoly price and taken on boardship was very inadequate in quantity, for the fish were most offensive and alive with well-grown maggots. The excuse was that the salt was dear. Perhaps this state of things may mend when the merchants have before them the prospect of a thorough good salting in the enclosures and a good market afterwards; they promised me it should, but, if it does not, it may become a subject for consideration hereafter whether fly-blown fish should be admitted to the enclosures at all. I shall watch this point.

11. Other points also occur to me which it would be premature to detail at present, but they are reasons why I should like to have an enclosure at a point within reach of my own inspection more than once in the year, for Adrampatam is so far off that I could not hope to visit it oftener than once a year at most if so much.

ENCLOSURES Nos. 1 and 2.—Estimates.

Submitted for the orders of Government.

2. The Board support Mr. Thomas's application for permission to open an additional experimental fish-curing enclosure at Point Calimere, and request sanction for the proposed outlay in connection therewith, *viz.*, Rupees 670, in addition to the cost of the necessary Police guard estimated at Rupees 40 per annum. The charge can be met from savings in the Salt grant.

3. As regards Mr. Thomas's proposal to allow the issue of salt at the reduced rate for the purpose of converting the offal into fish-manure, provided the salt is rendered unfit for human food before its removal from the salting yard, the Board are by no means sanguine of the success of the experiment, but think that permission should be given for a trial, due care being taken to prevent fraud, and attention being paid to sanitation in the preparation and transport of the manure.

(A true Copy and Extract.)

(Signed) C. A. GALTON,

*Acting Sub-Secretary.*

Order thereon, 14th February 1876, No. 206.

The Government sanction the opening of an additional experimental enclosure for curing fish at Point Calimere. The estimated charge connected therewith of Rupees 670, and the cost of the necessary Police guard, will be met from the source pointed out by the Board of Revenue.

2. The Government are not prepared to sanction an extension of the concession made in respect of salt sold for curing fish to Mr. Thomas's proposal concerning fish-manure for agricultural purposes. It is very doubtful whether any agricultural manure could bear the cost of transit by rail from Negapatam to Mettapoliem, and if there be a demand for manure of the kind proposed, it should be prepared on the west coast for plantations on that side of India, as there is no lack of material on that coast. Further, the object of the concession in favor of fish-curing being to provide wholesome food, that object will be best served by the offal being got rid of at sea so as to preserve the useful part of the fish. Its retention for removal on shore for purposes of manure might lead to the deterioration of the fish as food.

(True Extract.)

(Signed) D. F. CARMICHAEL,

*Secretary to Government.*

## MISCELLANEOUS.

## THE PRINCE OF WALES IN INDIA.

MADRAS, December 16.

At dawn the Prince was stirring, and soon after 5 o'clock turned out with his *suite* to enjoy a run with the hounds. The ground was heavy from the rain the night before, and several showers fell during the morning, but the sport was good and His Royal Highness was greatly pleased with his first day's hunting in India. The Master is an old M.F.H.,\* well known to the Pytchley, and in the huntsman the Prince recognised one whom he had seen in the Sandringham country, and with whom he had hunted in Russia.

In addition to the sentries of the Governor's Body Guard pacing up and down the colonnade in front of Government House this forenoon, and the usual gathering of scarlet-coated and turbaned servants, there were some strange groups of people loitering about the entrance. Some were squatted on the grass keeping watch over very mouldy-looking bundles and small baskets, others had not even so much property; but there was one very brilliant exception to the squalid lot, who might be mistaken for mendicants waiting for alms. Two lads with high head-dresses of tinsel and robes of very bright red and gold stood with bows and arrows in their hands apart, attended by several natives. Their faces were decorated with unusual caste markings on the nose, and with painted curled moustaches. The dresses in which they were clad resembled those in which the Incas are depicted in Kingston's book, and there was a vague Mexican impression produced by the character of the headgear and the cut of their ancient robes.

Mr. Minchin, who had brought these boys down from his works to perform before the Prince, told me they belonged to a very ancient race called Uryas, celebrated as warriors in former days. The lads were engaged in his village, and in his sugar works. It is the custom of the young people when their tasks are done in the evening to put on these curious garments and play for the amusement of the villagers some part of the great Epic "Ramanayanam," by Valuniki, which gives the history of the war between Rama and Ravana, the Demon King. Rama exiled by his father, is followed to his asylum in the woods by Sita, his wife, and Lutchman, his brother. Ravana, King of Lanka (Ceylon), a land of demons, seizes Sita and carries her off, but Rama and Lutchman pursue and rescue her and destroy the demons and their king. Sita was represented by a wooden figure of the size of life, carved with

great elegance from a single block, and painted of a light colour something intermediate between the hue of a Cashmere woman and that of a European, which was offered to and accepted by the Prince, and will be sent home to England. This figure was placed between Rama and his brother, who with beat bows stood ready to protect Sita, and on their right stood the Demon King, a horrible work of painted wood. A reciter and a musician stood behind the group. The performance began by a wailing sort of song, to the music of which Rama and Lutchman kept time with their feet, moving round in small circles, and the Demon King nodded his wooden head in a very quaint and amusing fashion; but, whatever attractions the play might have had for a great scholar or for a native audience, it certainly hung fire after a quarter of an hour or so, and seemed a puerile entertainment to which an absurd character was given by the unchanging face of Sita. The voices of the boys were sweet and their movements most graceful, and when they were told they might cut the play short, a look of surprise and perhaps chagrin stole over their faces, as they were probably accustomed to go on to the end of their story. Next there was a display of jugglery. Although the Prince saw snake charmers and jugglers at Bombay, he was scarcely prepared for the clever exhibition in the hall of Government House, Madras. The Indian juggler has no elaborate apparatus of furniture, tables, and chairs, and no such confederate in his tricks as the ornamental attendant or the man in the crowd who comes to the front on demand in London. At the utmost he has a withered old ragged scarecrow like himself to assist in his deceptions, but he generally is alone. He is all but naked; there is a dirty cloth round his loins and a cotton rag over his shoulders, and his whole stock in trade consists of a little stick, an earthenware vessel and a few baskets. He can hide nothing, for he has no place to put anything in, but he is among the first performers of the art in the world, and it certainly contributes to the effect of his wonders that they are done without any suspicious surroundings. The Prince sat down in the entrance-hall close to the steps. The Duke sat beside him, and Lady Anna Gore Langton and His Grace's daughters and nieces and the members of the *suites* and Staff witnessed the performances, which were directed by Ramchandre Rao, Commissary of Police, one of the most clever and thorough-going Brahmans I have yet met in India. First Madhar Sahib squatted down before the Prince and put down a small basket on the carpet about the size of those in which a lady would carry Berlin wool. It was empty, of course. Madhar Sahib was almost undressed—his arms were quite bare. He turned his basket down and chattered at it—then turned it over, and lo! there was an egg

\* Our Native Friends may like to know that M.F.H. stand for Master of Fox Hounds.

on the carpet which was handed round to be looked at. Then he put the casket over the egg and chatted at it again, turned it over, and lo! out walked a pretty pigeon, so tame that it let itself be caught by hand. Next Madhar produced another egg from beneath the basket, and then placed it under the basket—any one could see that the latter was a thin frail composition without cover or false bottom. Then, after incantations, he raised the basket, and out strutted the first pigeon and another exactly like it, and went pouting over to the spectators. Other things did Madhar Sahib, but none so striking, for peas under a thimble have before now exercised the fluest intellects and baffled the greatest intelligences in England. Poolee, who came next, I think, was a performer of extraordinary merit. After some tricks of no great novelty, but executed with much neatness, he converted himself into a magazine of horrors; took live scorpions, which he handled with impunity, out of his mouth; spat out stones as large as plums one after the other, or shoved them between his lips and swallowed them; then evolved from depths unknown a carpenter's shop, full of nails, large and small, and coils of string, till there was a pile of his products before the Prince. After him came Kamatchee, a strong-limbed and rather comely young woman, who began her performance by taking up a handful of dust from the roadway, which she piled up in a conical heap on the carpet before the Prince. Into this heap she stuck two pieces of wire or long needles. She then squatted down, took her right big toe in her left hand and twisted her leg over her head, and repeated the feat with her left leg and her right hand. Next she stood upright with her heels to the little heap of dust, and gradually twisted herself back till she could put her hands on the ground, and then, bending right over the heap, brought down her face lower and lower till her eyes were close to the needles, which, literally in the twinkling of an eye, were caught up by her eyelids! She took the needles out, showed them to the company, and salaamed. Two very curious people next made their appearance, simple, but, as it proved, hard-headed peasants, named Syed Khadir and Momee Sawmy. Their stock-in-trade consisted of a few cocoanuts. These were handed round to the company to examine. Then Syed took up one, threw it up in the air, and as it fell met it with the top of his naked skull, whereupon the cocoanut flew in pieces with a loud report, scattering the milk all over the placid. Momee did the same, and several nuts were thus brought to ruin on their skulls. To my great comfort, a small relative of these gentlemen picked up the fragments and put them in a small bag for home use. Valoyoodhum, Syed Cassim, and Imam Sahib then exhibited their powers as snake

charmers, and no less than seven cobras, several of the very largest size, were at one time dancing with furious eye and hissing tongue to the tootlings of the gourd within a few inches of the company, and a ragged little girl, taking a rock snake by the tail, twisted it round her neck, and at once demanded *baksheesh*, or its Tamil equivalent, from the Prince. The snakes were, of course, deprived of their fangs; but it was not quite comfortable, all the same, for of the malice and desire to kill of the cobras there could be no doubt, and they struck again and again at the arms and legs of their charmers. Imam Sahib did the mango-tree trick better than I have ever seen it, and I am bound to add that a much dirtier, more ragged, and miserable old scarecrow I never beheld, so that growing mangoes does not appear to be a good trade. It is too well known to need any description. Vencatamoodoo and Mauree, who followed, were spinners of salvers, and did whatever they pleased with flat metal dishes; but Vencatamoodoo, with knives and balls, was a marvel of dexterity, and quite surpassed the grand operator of my youth, Ramo Samee, in ease and terrible rapidity. It was intended to close up with Ghoodoo's exhibition of the basket trick. The young woman was there, and the fatal noose was already thrown over her, when time was called, but Ghoodoo performed next morning, and was, I am told, quite admirable. The girl, bound hand and foot, was forced into a shallow basket, into which she was compressed with difficulty. Then a lid was placed upon the basket, and Ghoodoo proceeded to inveigh against the girl in no measured terms, as if he were a counsel in the Divorce Court, and finally, in a rage, leaped on the basket lid and crushed it in, then trampled on it—mind, it rested on the floor—then, seizing a sword, thrust it down and through the basket again and again, and pretended to gloat over the blood on the blade. But a sharp-eyed lady, who did not permit her attention to be diverted for a moment, saw the girl glide like a shadow out of the basket when the eyes of the audience were turned on a little child, whom Ghoodoo seized among the crowd of natives, and pretended to behead with his sword for some complicity with the woman in bonds. At all events the trick was done so well that the spectators could scarcely credit their senses when they saw that the basket was quite empty.

"Quidquid delirant *Rajahs* plectuntur"—the ryots. And it would seem to be very much their way to indulge in mad expenditure, just as if they belonged to a class of characters to be found in old playbooks, and described in the *dramatis personæ* as "foolish lords," of whom some rare specimens are still extant at home. One glorious and radiant Rajah whom we saw down south (and who shall be nameless) was

for all his glory and radiancy a very miserable Rajah. As he was hopelessly impecunious, the Government had deprived him of the honours of a salte, and he went about joyless and gunless, although Solomon could not have been more splendid in brocade and gems. But that was not all. In order to appear in these braveries, the Rajah had made enormous sacrifices, for in former days he had been obliged to pledge his diamonds and pearls and rubies of great price, and the Jews fleeced him fearfully when he went to them for money to release his portable property on the occasion of the Prince's visit. This Rajah had an income of some £10,000 a year; his debts are said to amount to £200,000, but he cannot be sold up as he has Treaty Rights with the Government; his ancestors did ours good service when service was sorely needed, and we were obliged for help even at the hands of robber chiefs. I was in a jeweller's shop yesterday when there came in a chief, whose rolling gait and hot eye indicated recent indulgence in some sort of stimulant. He was a tall and not bad-looking man, though with a protuberant under lip, teeth discoloured by betel chewing, and unshaven chin and cheeks; a sky-blue satin tunic, laced with gold, hung loosely on his shoulders, and a cummerbund was bound over his white calico drawers—which were not so very white—and round his neck he wore rows of fine pearls, and diamonds hung from his ears beneath a turban of brocade, old and not well rolled. After him were some half-dozen followers—a wretched old man with an enormous beadle's staff covered with gold, who was dressed like a coolie; a dandy, who had dyed his beard and moustache a rich scarlet, and whose tawdry overcoat was not in harmony with his new turban and rich silk drawers; and four other gentlemen of his suite in various stages of déshabille, who spread all over the shop or congregated round their lord when he called attention to any particular object. He wanted apparently to buy everything, including the cases in which the articles were shown, but he had the wit not to give the price that was demanded. For a metal cast of our old friend the Cavalier he gave £4, and he was much taken with its fellow, the Trumpeter, and would probably add it to his collection, but the strange part of the business was that he did not like to pay for anything. A gentleman long established in business here, who made a fortune where others failed, explained his way of dealing to an inquiring friend—"When a Rajah comes into my shop, I always ask him double the value, and insist on one-half of the price being paid on the spot. I manage to get on pretty well in consequence." From all sides come stories of the improvidence of the Native Princes; but for my own part I think much of the extravagance is due to their position and to the habits which are forced upon them. What can

a young Native nobleman do? He cannot enter the Army; he is precluded from any participation in the higher offices of Government. The pursuits which absorb the energies of our gentry are unknown to him. Many of them are keen sportsmen and love tiger shooting passionately; but the tiger districts are becoming narrower every day. Those who have tried the Turf have done no better than the majority of their equals in England. While however, many are wasting their substance and ruining their families and fortunes, others are trying to re-establish fallen houses or to gain new honours. It is quite true that a great number of the Princes who have flocked to welcome the Heir to the Throne belong to recently-created dynasties, and cannot pretend to vie in length of descent with him whom they have come to honour, but in very many cases they belong to well-known families, and can trace their ancestry a long way back, and they are only too fond of the study.

Madras had few great Chiefs to show, but they were all interesting. The question of return visits is better understood by European officials than by Asiatic nobles. Some of the latter lay claim to the honour, although they might on reflection see that their claims are inadmissible, but the Prince of Wales has endeavoured to meet the wishes of Native dignitaries as far as possible, and even to strain a point to save them chagrin. The Princess of Tanjore is a distinguished lady, belonging to the family of the great Sivajee, the founder of the Mahratta Empire (who is erroneously spoken of as a mere adventurer and nobody; he was a member of a very ancient family), and it created some irritation that her salute of guns was forgotten in the absorption caused by the Prince's arrival; but, *en revanche*, her master of the ceremonies omitted to make a formal request for permission to visit the Prince and to take his pleasure as to the time. It is understood that Her Highness is very anxious to secure the title of Rajah for her husband, and nothing that can be said, or written, or done, can prevent the people of India, high and low, supposing that the Prince of Wales possesses unlimited power. When the Princess came to Government House the other day to see His Royal Highness, she departed from the usages of Mahratta widows, and acted as if she were a Mahomedan. It has been the custom of widows of Mahratta Princes to receive and pay visits to high officials without any of the restrictions the Princess or Maharanee of Tanjore considered necessary on meeting the Prince. She sat with the ladies of the Duke of Buckingham's family in a room, part of which was screened off, and into this the Prince was shown. He could put out his hand, but he could not see, or it was supposed he could not see the Princess's face. She grasped his hand very warmly, and expressed

her pleasure at the arrival of the Prince in Madras. Major Henderson, who acted as interpreter, knowing the Princess could speak a little English, requested her to speak in that language, whereupon, with a little laugh, she said, "I am glad to see my Royal Brother," and her Highness asked after "The Queen, my Royal Sister," in right regal fashion.

The name and title of the Maharajah of Travancore are Sri Padmanabha Dasa Vanjee Bala Rama Varma Kulasekara Kiritapati Munnes Sultan Maharaj Raja Rama Raja Bahadoor and Shamsher Jung, K.G., C.S.I. He is of the Kshatriya caste, 44 years of age (looks nearly 60), writes and speaks English with fluency, in addition to Mahratta, Tamil, Hindustani, and Telugu, is a good Sanscrit scholar, and much given to literary discussion with pundits, is fond of music, in which he excels, is an admirable man of business, very punctual and exact, fond of science, and profoundly attached to his own faith. He stammers in his speech at times, but his manners are easy and agreeable, as becomes one who claims an ancestry that dates from 600 A.D. In 350 A.D. a colony of Syrian Christians settled on the coast of Travancore, and the Jews found their way thither still earlier, but it was not till 1684 the English obtained leave to erect a factory. The State covers an area of 6,653 square miles, and contains a population of 2,310,000 souls. The annual subsidy to the British Government, fixed by Treaty, is £81,000 per annum. It is a model Native State, and the present Dewan, a schoolfellow of Sir Madhava Rao, is a man of great intelligence and ability.

The Rajah of Cochin is a tall, stout man of 40, who walks with difficulty and has the air of an invalid. He is of the Kshatriya caste, and is descended from a Viceroy of the Chola Kings, who ruled in the ninth century. He does not speak English, but he is a thorough Sanscrit scholar, and is well acquainted with Native literature. The State, which contains a population of 600,000, and covers an area of 1,360 square miles, is in subsidiary alliance with the British Government, and pays a tribute of £20,000 a year.

His Excellency Rajah Ramachandra Tondiman Bahadoor of Putukottai, or Pudducottah, is a small, stout man of 46. He speaks English and a little French, as well as Telugu, Tamil, Hindustani, and Mahratta; is a Sudra by caste of the tribe of the Kallar (called "Colleries" by Orme). His State, with the administration of which he has little or nothing to do, covers 1,380 square miles, and has a population of 320,000. There are 3,000 tanks, some of great size. One peculiarity of the State is that it has no Treaty with the British Government, is exempt from tribute, and has independent Courts of Justice.

Among the many interesting offerings to the

Prince at Madras must be specially mentioned an account of the Danish Protestant Mission, Tranquebar, by the Rev. C. E. Kennet, with an autograph letter of George I (December 22, 1719—January 3, 1720) from St. James's, addressed to Bartholomaeus Ziegenbalg and Johann Ernst Gouedler, Missionaries, Tranquebar, offered by the Rev. I. Schwarz, of the Lutheran Mission, Tranquebar, for the acceptance of His Royal Highness. The Princess of Wales will, no doubt, be glad to learn that in this distant land her countrymen can tell her husband that Denmark was the first Protestant country in Europe which carried out a mission for the evangelization of India, in the reign of Frederick IV, in 1705. The Ziegenbalg who is named above, visited England on his return from India in 1714, and the Prince and Princess of Wales of the day received him most courteously and promised him every help.

#### THE RECEPTION AT CALCUTTA.

CALCUTTA, December 24.

The reception of the great Chiefs by the Prince at Government House to-day, although accounted "private," was a very stately ceremonial, and was conducted with much official care and pomp. The Government House lends itself well to such an occasion. The throne is placed exactly opposite the entrance. Towards one end of the Throne-room a row of pillars forms a kind of ante-chamber to the suite beyond. On the wall, over a sofa in this recess, is a full length portrait of "Major-General the Hon. Arthur Wellesley, 1803"—an unmistakable likeness as to the face, but, it is to be hoped, not equally accurate as to the legs, which are drawn after a very feeble type, with bad boots and large feet. Very good portraits (full length) of George III and Queen Caroline adorn the wall at the sides of the throne, and at the end of the room, facing the Wellington, is an abominable painting of the Queen in her robes, by Sir George Hayter. These rooms and the pillars are of the peculiar Indian cement called chunam, which, when well made and polished, is whiter than the finest marble. The floors are marble; the ceilings beautifully decorated.

On the gravel carriage drive facing the steps a Guard of Honour of the 109th Regiment, with colours, &c., was drawn up at 10 o'clock. The Viceroy's band was stationed on the landing in front of the portico. Between the columns in the Grand Hall troopers of the Viceroy's Body Guard of extraordinary stature were drawn up. They wear scarlet tunics with yellow facings, cummerbunds of the same, jack-boots, and a quaint turban, which I am not quite sure about liking altogether. Mace-bearers and janitors, in the handsome liveries of the Crown, bearing shotas and silver maces, were stationed

at the entrances of the rooms and inside the Throne-room, one of whom, by-the-by, made a sensation by letting fall an enormous silver staff, surmounted by a crown, with a clang that attracted attention at an idle moment. Well, the general effect must have been very good, although the Rajabs were, no doubt, a little puzzled when they raised their eyes and saw the throne was vacant. It has already been observed that the Prince does not sit in any of the numerous thrones prepared for him, or that he avoids doing so as much as he can.

About 10-30 the Maharajah of Puttiala's approach was announced by the salute. The Maharajah of Puttiala is son of the man who did England good service in the time when the road between Delhi and the Punjab was one of vital importance, by keeping it clear and helping us in a most substantial fashion. He is about 30 years of age, and rather a fine-looking man. A very clever Oriental milliner and an experienced jeweller combined might give an idea of the splendour of these Chiefs in dress and ornaments. Puttiala, however, was not one of the finest by any means, and yet he was, as a friend of mine said, "like a flash of lightning in Storr and Mortimer's." As he was led tenderly by the hand of Major Henderson, his eye rested on the throne at the end with some wonder, but he looked pleased and puzzled when, on entering the Throne-room, he saw ranged up in line, hitherto hidden by the columns, Lord A. Paget, Lord Suffield, General Probyn, General S. Browne, Colonel Ellis, Canon Duckworth, Surgeon-General Fayer, Lord Aylesford, Major Bradford, Captain Deane (Adjutant Governor-General's Body Guard), and Mr. F. Knollys, and, turning to the left, was able to catch a glimpse of the Prince of Wales, waiting to receive him. The Duke of Sutherland and Sir Bartle Frere were in the room with His Royal Highness. The Maharajah made a very low and yet dignified salaam to the Prince, who bowed, took his hand, and led him to the sofa at the feet of Wellington, where he took his place with the Maharajah on his left, the Political Officer (Tupper) being next the Maharajah to interpret. The conversation lasted eight or ten minutes, and the Prince referred in it to the services of Puttiala in 1857. Meanwhile, the Sirdars following the Maharajah had been shown to seats in the Throne-room, and were engaged in conversation with General Probyn, Major Bradford, and others who could talk with them; but it was quite clear from their eager looks towards the end of the room that they were not in the least interested by the *dui minores*, and only wanted to see the Prince. This great pleasure and honour they had perhaps abandoned, when Major Ewan Smith came from the envied circle and announced the pleasure of the Prince of Wales that the Sirdars should be presented to

him. They arose, each sword in hand, and advanced towards the pillars, where they were, one by one, presented to the Prince by the Maharajah, made a pretence of giving nuzzurs, and were happy. The Maharajah received a gold medal, and when he was led back to the end of the carpet, figuratively speaking, he was evidently in very good humour.

Scarcely had the clatter of Puttiala's horse-hoofs died away ere the guns announced the Maharajah Holkar of Indore, G. C. S. I. His Highness is a very tall, large man, with aldermanic developments—at least, such as were attributed to Aldermen before they took to volunteering and athletic exercises. He walked into the Throne-room, conducted by Major Henderson and the Political Agent (Maitland), in a very regal manner, rolling a little from side to side, and just touching his forehead slightly to the suite. His two sons and his clever Dewan, Ragonath Rao (nephew of Sir Madhava Rao), and a train of Sirdars took their seats with the suite. It is said the Maharajah of Indore is desirous of some of Kandeish; but he is clever enough to be aware that the Prince of Wales cannot interfere in these questions. He received the gold medal and riband, introduced his sons and Sirdars, and left with a cheerful countenance. Holkar is very proud and punctilious, and there have been difficulties, it is said, about his precedence, so great that the arrangements for a meeting here were attended with trouble. A certain interest is attached to Holkar's personal property, because of reports that he has a little treasury of five millions sterling stored up for a rainy day. The Maharajah of Jodhpur came next—a most picturesque and wondrously eccentric-looking chief, followed by a splendid Sirdaree. His yellow head-dress, bound by cloth of gold round his brow, displayed an aigrette of diamonds and rubies of great beauty. What wealth of gems glittered all over his neck and breast, I cannot describe. Small, well-cut features, a very bright eye, and whiskers and moustache and beard black and bristling, brushed upwards, gave him, at first sight, a fierce look, of which the sad, proud aspect of his face, on closer scrutiny, changed the character. But proud he is beyond the pride of the proudest, and it is related of him once that at a durbar, where chairs were placed for himself and the Maharajah of Oodeypoor and another Chief, he exclaimed, "Let Oodeypoor take which he pleases; I shall sit above him." The many-folded petticoats worn by the Maharajah were like the Albanian fustanelle, but descended nearly to his heels, and reminded one of the dresses of the dervishes. The petticoats were, however, looped up by a thick circular girdle, a roll of cloth of gold, which hung from the waist and gathered in his dress behind below the knees. His Sirdars were attired in a similar way, and seemed to be very

pleasant, agreeable gentlemen; and they all went away in very good humour.

The Maharajah of Jeypoor, who drove up in a handsome carriage, drawn by four white horses covered with trappings of cloth of gold, has the reputation of being one of the most enlightened of Indian potentates. He has suffered from a malady in the eyes, which were saved by an operation for which he paid many thousand rupees, and he wears spectacles, which somehow or other never seem to suit the costume of an Oriental very satisfactorily. His Sirdars were very splendid and peculiar-looking people.

It may be said, however, without detriment to the attractions of these Chiefs, that the cortége of the Maharajah of Cashmere, and the splendour of his personal adornments and of his cortége, caused the impressions produced by previous coruscations to fade away. His carriage was preceded by two troopers, with brass helmets and cuirasses, which, unless I am deceived, belonged once to France, and defended the heads and bodies of Imperial Cuirassiers. Four more of these Life Guardsmen or "Blues" followed his carriage, in addition to his escort proper. His Sirdars, in five carriages, followed the coach in which sat the Maharajah, accompanied by the Political Officer (Jenkins) and his Dewan. He is a handsome man, small in stature, but well made, and more quick in gait and manner than are Asiatic Chiefs generally. He and his Chiefs affect the Sikh head-dress—one of the most becoming of turbans, with its pretty, rakish set, and smart, defiant brush. As to his aigrette or plaque, one can only say that there seemed to be a light in the air as he turned his head in talking with the Prince. Some of his Sirdars were almost as brilliant, and, taking them all in all, the Cashmeregues would have been as good as any of the States' representatives had not Scindia followed. The attachment of Scindia to the British Raj nearly cost him his throne in 1858, and it is said he feels very keenly the fact of the fortress of Gwalior, which was occupied after Sir Hugh Rose drove out Tantia Topee and placed him once more on the guddee, being still retained in our hands. Certainly his look showed no feeling but the utmost pleasure at meeting the Prince. He walked up with Colonel Hutchins, the Political Officer, towards the Prince in a kind of eager, courteous, deprecating way, which no actor could at all imitate. Scindia looks a man all over. He delights in soldiering, and a very good judge told me he knew of very few officers in our service who could put a Division of the three arms through a good field-day so well as the Maharajah of Gwalior. Scindia is in many ways what is called a fine fellow. He wanted to lay out five lakhs of rupees as presents to the Prince, and was with difficulty reduced to half

a lakh (£5,000), and he is very liberal in all his ideas. He has gained good opinions; he has risked much by his fidelity to the British Government, and he certainly did not increase his authority among his own people by the discovery and surrender of a supposititious Nana Sahib—heir, in their eyes, of the Peishwas. The Scindia Sirdars were more eager than any of the others to see the Prince, and, whatever was said or done by him, he must have pleased them greatly.

Now came a very eccentric visitor—the Sultana Jehan, Begum of Bhopal. She is a G.C.S.I., a descendant of one of those families which were pushed into place and power, mostly by British influence, after the Pindarees were stamped down. At 12 a salute of 19 guns was fired, and a closed brougham drove up to the steps, to which the guard (now of the 40th, relieving the 109th) presented arms. The door was opened and out stepped a shawl, supported on a pair of thin legs, and on the top of the shawl there was the semblance of a head, but face there was none, for over the head there was drawn a silk hood, and from it depended a screen of some sort of stuff, which completely concealed features which report says are not at all deserving of such strict retirement, though Her Highness is nearly 40, which is old for India. With her was her daughter—a figure draped and dressed like the first, and quite as old to judge from appearances, though the lady is only 18. The ladies walked very slowly one after the other, and were led up the steps as if they were performing some remarkable feat. The Sirdars, among whom were two highly-jewelled lads, said to be Her Highness's nephews, were dressed magnificently, and one fine old fellow, Jam Allah-deen Khan, was a very fine type of a Native Minister.

The last Chief who was received to-day was the Maharajah of Rewah, whose carriage and four, with two postilions in green and gold, top-boots, and breeches, did credit to the Political (Bannerman) in charge of His Highness. The Maharajah is a very dignified personage, and is very well spoken of by all who know him. His Highness suffers from some skin malady, for which he uses a yellowish pigment on his face; but he has an agreeable look for all that, and he produces a most favourable impression on all who make his acquaintance. His family claims very high rank in point of ancestry and antiquity, and one daughter is married to the Rajah of Vizianagram. When his Highness took leave, the receptions were finished.

SEALKOTE, January 21.

The Prince of Wales, accompanied by the Lieutenant-Governor, the Duke of Sutherland, Sir B. Frere, and most of the members of his

suite, left Lahore yesterday morning at 9 by special train; Wazeerabad was reached at 11.30, and thence the party proceeded in carriages to Sealkote. The Prince lunched with the officers of the 9th Lancers. Seven miles outside Jammoo he was met by the Maharajah, and a splendid cavalcade escorted him to the town, at the foot of the Himalayas, whose snowy range formed a beautiful background.

At the river the party left their carriages and mounted on elephants. The banks were lined by cavalry, and thence all the road, nearly three miles long, was lined by horse and foot, in picturesque uniforms.

There was a great display of fireworks in the evening.

It is very cold here, the thermometer marking 29 degrees this morning.

#### LAHORE, January 23.

We have had a busy six days indeed. On Monday we had a Cavalry field-day, tent pegging, regimental games, hunting, a dinner at the Commander-in-Chief's, and departure from camp by special train at night. Next day there was the public entry into Lahore, a durbar for Native Chiefs, a visit to the gaol and fort and other public buildings. Next day visits to the Chiefs, a drive to Meean Meer, the opening of the Soldiers' Exhibition of Industry, and return to Lahore, an inspection of Native work from Cabul, Turcoman and Persian shawls, &c.

On Thursday the Prince went by special train to Wazeerabad, where the narrow-gauge line now terminates. He drove to Sealkote, lunched with the 9th Lancers, and continued his journey to the confines of Jammoo. There was a grand elephant procession and a banquet at the Maharajah's, at which hundreds of people were present. The day following there was a hunting and shooting excursion, and a very interesting entertainment in the old palace. Yesterday the Prince returned from Jammoo. There was a Native entertainment at Lahore to-day, which was one of rest by comparison.

The Prince continues wonderfully well, and it is thought this place agrees with him better than Delhi. Some symptoms of indisposition made their appearance among the suite. Captain Glyn did not feel well enough to go on to Lahore, and when the Prince left for Jammoo on Thursday it was thought advisable for Lord Suffield and Lord Aylesford to remain behind. They are now quite recovered. Lord Carington's collar-bone is doing so well that he will, it is said, soon be able to ride again. Advises received to-day state that Captain Glyn and Colonel Grey will join the Prince at Agra.

Bubber Jung, the son of Sir Jung Bahadoor, who was also detained by illness at Delhi, will speedily, it is hoped, resume his duties as Aide-

de-Camp to the Prince. These statements as to the health of the party may prevent mischievous or alarming rumours.

The weather has been delightful, though one night at Lahore a fall of the thermometer to 29 proved rather trying to dwellers in tents.

To go back a little and review briefly what has occurred in this bustling week: As the movements of the two Generals were not of a nature to give scope for Cavalry manœuvres, and the Prince, it was understood, desired to see the splendid Division work in the open field, a day was ordered for the last Monday on the vast plain between the Kurnaul road and the river Jumna. The Brigades were each three regiments strong, with the exception of the 4th, which had only two. They were drawn up in lines of columns under General Watson when the Prince and his Staff arrived, and after the inspection began the manœuvres against an imaginary enemy, which were interesting and instructive to those acquainted with the general idea. When the Brigades changed front to the left and formed in four lines for action, it was one of the prettiest sights imaginable. I cannot here describe all the movements, but generally it may be said the force was handled beautifully, and that the Native regiments were conspicuous by their picturesque and fluttering lance pennons, which showed wonderfully well side by side with the comparatively tame looking, but business-like British regiments. The flanks of the lines were, in advance or retreat, carefully covered, and every disposition was made for mutual support. Successive charges were admirably delivered, the front line retiring in good order through deep nullahs and watercourses. A dash at the supposed enemy's guns, under cover of the fire of a dismounted force, made in extended order, was not so happy as owing to the in-veterate habit of man and horse, they closed too much together when the movement came to charge. The Prince was highly gratified; and when the movements were over, he attended a large meeting of soldiers' games and sports, tent-pegging, feats of arms, riding and polo playing, and later had a run with the hounds. His visit to the camp has done an immense deal of good, and given a fillip to the spirits of the soldiers, European and Native, roused up the officers and men, and marked, perhaps, an era in the history of the Army in India, which will, it is believed, be accompanied by another distinctive feature in the promulgation of the Commander-in-Chief's views on its organization when he takes leave of the force which he has brought to such a creditable condition. Perhaps our authorities may take note of the fact, however, that the artillery in India is highly composite. There are three different systems to be seen in the armament, and that the strong places which were recommended so

long ago for each great station are still castles in the air.

In the evening the Prince and some of his suite dined with Lord Napier, while others enjoyed camp hospitality, or clustered round Lord Northbrook's hospitable table, presided over by Captain Jackson, at head-quarters.

In a General Order, dated the 18th of January, Lord Napier conveys to the Army the expression of the Prince's satisfaction and approval of the discipline which characterizes the Army. Wherever the Prince has had occasion to inspect it, it has been fully maintained in India. He has been struck by the steadiness under arms, the martial bearing, and the precision of the three arms at the Review. He had long entertained a hope of seeing an Indian Army which had exhibited such loyalty and courage side by side with their European comrades in many memorable contests, and is pleased to find that his anticipations are more than realized, and it will be his gratifying duty to inform the Queen that the armies of her Eastern Empire are in a state of high efficiency.

It is almost a pity the Prince could not be present to observe the effect of these flattering but not undeserved words; but he was, when they were published in Orders, rapidly approaching the capital of the Punjab.

It was very cold at night in the train, and an early breakfast at Umritsur was not unwelcome.

Lahore looked its best in the bright light of morning as the special train slid up to the red cloth on the platform where the Governor of the Punjab and the Military and Civil Staff of the Province, with a very large assemblage of Europeans, were waiting to receive the Prince. Descriptions of the Royal progress must be wearisome from sheer liability to mark the individual features of each scene, for all are various and each seems to be better than its predecessor. Lahore has got quite a type of its own. The Railway Station aims at being mistaken for a fortification, with turrets and battlements, and the real citadel above is scarcely less imposing. The beautiful mosque domes and minarets tell of former greatness, when Mahomedanism flourished in the land. If the native town has narrow streets, it seems clean. The flat roofs and carved lattices give it a strong resemblance to Cairo as it was. There is somehow an Orientalism which is not Indian in the aspect of the people and town. There is a mixture of Palestine and Krim Tartary about them, Jewish faces and Tartar dwellings. The Prince's cortége, which was very well turned out, made a long sweep round the town passing in front of a series of encampments of the Rajahs, Chiefs of the Punjab, who had come in to do him honour. These were all drawn up for miles in front of their respective camps. Be-

fore each floated the banner of the Rajah. The elephants, with gold and silver howdahs, stood in line. Then there were led horses in gold and silver saddle-cloths, and jewelled caparisons. Each Chief's armed retainers, regular and irregular, were drawn up, lining the roadway on both sides. Lance and sword sparkled, armour flashed, morion, cuirass, plume, banner, all was light and beautiful, and such a combination of colours as fairly astonished the beholder, and forced him to close his eyes for a moment and ask if it was a dream. Never was anything more beautiful. The very spirit of chivalry hovered over these martial faces and noble forms—the grand stately Chiefs making obeisance, the roll of the drums, the blare of the trumpets, and the clang and outburst of strange instruments. Such might have been the triumphant procession of Saladin or of Timour himself but for that villainous saltpetre and those firearms. Masters of lance, falchion, and shield, fenced in by the extraordinary pageantry, stood or squatted, silent, motionless. What some time hence will be designated by Native reformers the majesty of the people was also on flat house-tops and on walls, and seemed much taken with the aspect of its Princely brother, whom it was able to recognize by reason of the gold umbrella carried over his head in the Governor's carriage.

The way to Government House seemed very short—there was so much to admire, but it is four miles long. Being an eminently practical people, we have made the convenient tomb of a cousin of Emperor Akbar into a residence for the Governor of the Punjab, but it is said to have been occupied as a dwelling by a Sikh General before Sir J. Lawrence obtained it. The living find it very comfortable. There was a Guard of Honour of the 92nd Highlanders, 100 strong, all picked men, with their pipers and colours, outside. A Cavalry escort accompanied the Prince all the way. The police were active, but very gentle. As soon almost as the Prince had been introduced to the ladies of the Governor's family and to his Staff, and had changed his uniform, it was time to receive an address of the people of Lahore, represented by the Municipality, who were waiting. It would rather have astonished members of an English Town Council to have seen these Punjabees in turbans of the finest tissue, gold-brocaded gowus and robes, coils of emeralds, rubies, pearls round their necks, finer than any *Lord Mayor's chain* I ever saw. They were ushered upstairs to the drawing-room, where the Prince stood in the midst of his Staff, who were formed on two sides, and were presented formally. The Municipality address welcomed the Prince to the capital of the Punjab. They saw in his visit another proof of the warm interest of the Queen in their welfare. Although among the younger sons of her

great Empire, they claimed a foremost rank among her subjects; for, placed at the North-Western door of India, on the borders of regions untraversed by Europeans, and mindful of their own past history, they were in a position to appreciate more than others the benefit of British rule, and they hoped to evince in their acts the gratitude of a faithful people. They wished the Prince health, happiness, and pleasant recollections of his visit.

The address was well read by a Native gentleman. All the members scanned the Prince's face, not staring, but with respectful curiosity. The Prince replied that he was glad to visit the capital of an important frontier division of the Indian Empire and to be so cordially welcomed. He would with pleasure communicate to the Queen their assurances of loyal attachment and gratitude. He thanked them for their good wishes.

The Levee followed, with the usual stream of great Satraps of the Punjab, also of planters and private persons. When that stream ran out, another far more sparkling and bright, if somewhat erratic, turned on, and followed through the drawing-room before the Prince—the presentation of Native Chiefs of Punjab States. Some of these gentlemen were not successful in their attempts to understand the uses of *fauteuils*, and taxed the gravity of those who would have been quite as amusing if they made *efforts to sit on their own heels*. The Chiefs assembled in a handsome tent outside the Government House, and were thence escorted to the Prince by the Political Officers and Aides-de-Camp. To show how trouble crops up, let me interpolate the remark that among the complaints made as to the Levee by the Natives, it was stated that their shoes were lost or mislaid because they took them off at one door and were not allowed to go out the same way.

Later, the Prince went to see the gaol, which is a model establishment, abounding in ferocious ruffians and wilder villains. Among the latter must be reckoned the brace of Thugs who were brought out for inspection, one of whom, aged 70, made the pleasant statement that he had murdered more than 250 people, and the other, who looked as if he might have equalled his great master if time permitted, said he could account for 35 only. Perhaps they are not believed as they are alive. They showed how the cord was used. The old gentleman gave Dr. Fayrer's wrist a twist with it which he felt next day. The Prince did not exercise his clemency in their direction, but asked for the liberation of two miserable Englishmen sentenced for embezzlement, and of some Natives for minor offences.

Afterwards he drove to the Citadel, a famous fort of Runjeet Singh, and saw the sun setting over the broad plains and placid river from

every tower whence the old Lion of Lahore used to watch it rise. In the armory attention was attracted by two cannon mounted on a revolving frame, which the Prince was told belonged to Dhuleep Singh. There was a monster banquet at the Lieutenant-Governor's in the evening, and so ended the day in Lahore, and a most interesting, suggestive one it was. Space will not admit of description of the return visit of the Prince to the Chiefs of Bahawulpur, Nabha, and Kaupurthulla next day, nor of an account of the opening of the Soldiers' Industrial Exhibition at Meean Meer, the most dreary-looking and dusty of cantonments if one had not seen Sealkote. But all will come in due time. In the evening there was a Native *fête* in the Shalimar Gardens, which was open to only one charge, and that could not be helped—it was very cold; but the gardens were exquisite—long and broad ribands of lamps illuminating lakes and islands, whereon stood white marble kiosks and temples, cascades lighted, a Lalla Rookh episode; and this coldly beautiful as it was, gave no indication of the really astonishing picturesqueness of what the Prince was to see next day, when he went to visit the Maharajah of Cashmere at Jummoo. There is a narrow gauge line to Wazirabad, of 26 miles, of which the most that can be said is that it is better than no rail at all. The Prince and his suite went off by a special train which managed to reach its destination in a little more than two hours. At Wazirabad, carriages and outriders were in waiting. There is an excellent road. The country is a dead level, with few trees, and in some places with a scanty population. The steeple of Sealkote Church is seen far off rising like a lighthouse out of the sea. The Artillery, Cavalry, and Infantry were drawn up. The Prince lunched with the mess of the 9th Lancers, and then continued his route over an excellent road newly repaired. Jummoo is 27 miles from Wazirabad, the snowy summits becoming more distinct and beautiful every mile. It was after 4 when the Prince made his exit from British India, and entered the State of Jummoo as the guest of the Maharajah of Cashmere. An arch was thrown across the road and at the other side was a deputation of chiefs in carriages waiting to conduct the Prince, whose carriage was escorted by a troop of the 9th Lancers, over a new road for nearly 30 miles laid down by the Maharajah. Horses were changed every six miles. At seven miles from Jummoo, which was quite visible now on the lowlying spur of the snowy range—it is something like Aosta or Stirling as seen from the south—the Maharajah and the Sirdars welcomed the Prince. The scene can never be forgotten as the carriages halting in succession on the top of the ridge permitted the occupants to look down on the broad river, flowing below the spur on which

stands Jummoo, covered with gay boats with rowers in scarlet and yellow liveries, and men were floating on skins. A bridge of boats crossed the stream. On the near bank there were a vast number of elephants painted to be sure, and bearing gold and silver mines on their backs. On the other side there were Cavalry in armour, double lines of Infantry. The old hill fort opposite the city was thundering out a salute, astonishing the Himalayan wolves and jackals. When the Prince, descending, mounted an elephant with the Maharajah and led the procession across the river the clang was indescribable. It was getting dark, but that march up the hill from the riverside to the camp, for some two miles through roads and streets lined with the Maharajah's army, was in many respects the most original spectacle yet presented. It would have retained that place but for what followed next night. On the summit above Jummoo stands a huge building, only roofed a few hours ago. It looks like a railway station. It was built expressly for the Prince's reception, carpetted and hung with shawls, pictures, and mirrors. Here the Prince descended. After the Durbar was held His Royal Highness was conducted to a verandah, and witnessed the very best fireworks yet seen, representing a general action. Afterwards a monster banquet, to which all the Europeans were invited. The Prince retired to the camp close at hand. His tents are fitted up beautifully. A vast camp for the suite and the multitude of guests. The next day a sporting party was arranged, but it was not very successful, as it was too near Jummoo. There was some good falconry, but the wild boars seemed to think they ought not to run away. Some were killed nevertheless. There was a cheetah let loose at a deer, but it ran after a dog instead. The dog turned and the cheetah then fled. A lynx was slipped at a fox, but reynard showed fight and the lynx and the fox made it up and were friends. There was some small game shot. The drawing of the nets in the river revealed the fact that Cashmere inherits the arts of Cleopatra, for some fish were fastened by the gills to the meshes. The procession of elephants proceeded through the illuminated city to the old palace, where the Maharajah gave a dinner to the Prince and a small party, which rivalled the best shows of the Royal tour, and then there was a weird, terrible performance of lamas from Thibet. Their sacred dancing drama was far and away the most strange thing I have ever witnessed. More fireworks ended the evening, and the Maharajah finally presented the Prince with a sword worth at the lowest calculation £10,000. It is studded with precious stones from hilt to point. Soon after 8 on the 22nd the Prince left Jummoo in State, as he entered it, but his cavalry escort was furnished by the Maharajah's

Cuirassier Lancer regiment, before which were borne a green and gold standard. There were also kettledrums and elephants. Before the Prince's departure heads and horns of the yak deer and antelopes were laid out, and live deer, eagles, falcons, Tibetan dogs, &c., were brought for the Prince's acceptance. At the other side of the river carriages were in waiting. At seven miles out of the town the Maharajah took his leave. He expressed a deep sense of the obligation under which he laid for the visit of the eldest son of the Queen. The Minister and other nobles came to the British frontier, and took leave at a triumphal arch inscribed, "This road is for our illustrious Prince." There was then rapid travelling, with a change of artillery horses every six or seven miles. At Sealkote the party halted an hour to lunch with Colonel Marshall and the officers of the 9th Lancers. They then proceeded to Wazirabad, where the Prince opened the grand bridge over the Chenab by driving a silver trowel into the ground; but his carriage outstripped those at the end of the cortège, and those who were in the latter were too late to witness the ceremony. Three hundred Europeans assembled in a handsomely decorated banquet hall at the Wazirabad Station to lunch on the return of the Prince in the train, which crossed the bridge and returned. Mr. Grant, the engineer, was on the left, and Lady Reid on the right. No speeches were made, but the toasts of the Queen and the Prince were proposed.—*Times*, 22nd January 1876.

#### THE TITLE OF REVEREND.

*Keet v. Smith and others.*

This appeal followed the cause of *Jenkins v. Cook*, before a different Court, the Archbishops of Canterbury and of York being now absent from the Committee. The appellant is a Wesleyan minister residing in the parish of Owston Ferry, in the county of Lincoln. The respondents are the Rev. George Edward Smith, the vicar, and the churchwardens, parishioners, and inhabitants. The appeal is brought from the decision of the Judge of the Arches Court of Canterbury (Sir Robert Phillimore), given on the 31st July 1875, refusing to issue a faculty for the erection of a certain tombstone in the churchyard of Owston parish church. From Mr. Keet's petition the following particulars appeared:—The stone was simple in character and was inscribed with the words:—

"I. H. S. In loving memory of Annie Augusta Keet, the youngest daughter of the Rev. H. Keet, Wesleyan minister, who died at Owston Ferry, May 11, 1874. Aged seven years and nine months."

"Safe sheltered from the storms of life."

Mr. Keet having been informed by a stone-

mason that the vicar objected to the erection of the tombstone, wrote to him as follows :—

"June 2, 1874.

"Sir,—The enclosed is a copy of the inscription we gave to Mr. Barningham to be placed on the stone denoting where the remains of my dear child lie. I have been informed that you have an objection to it. Will you, therefore, please write me on the subject at your earliest convenience?

"I am, Sir, yours truly,  
"HENRY KEET."

"Rev. G. E. Smith."

Mr. Keet, having received no reply, wrote on the 8th June :—

"Sir,—Having heard from Mr. Barningham that you object to the words 'Reverend' and 'Wesleyan Minister' being inserted, and as I find similar expressions on tombstones in Epworth churchyard, will you kindly give me the reasons of your objection? It will be a great disappointment not to be able to have a stone. May I beg the courtesy of a reply per bearer?

"Yours truly,  
"H. KEET."

Mr. Keet received a verbal reply through a servant to the following effect :—"Tell Mr. Keet that I saw Mr. Barningham last week, and that I have no more to say."

The matter originally came before Mr. Walter G. F. Phillimore, the Chancellor of the diocese of Lincoln, who declined to issue any citation, and his decision was subsequently upheld in the Arches Court by Sir Robert Phillimore. Dr. A. J. Stephens, Q. C., with Mr. Bayford and Mr. Jenne, appeared for the appellant. The other side was not represented.

Dr. Stephens began his argument by a description of the proposed tombstone.

The Lord Chancellor.—There is no objection to the tombstone, I presume, except by reason of the word "Rev." appearing upon it.

Dr. Stephens.—That is so; there is no objection to the stone in itself. My first point is that the granting of a faculty is not the dispensing with law, but the execution thereof (*Ayliffe's Parergon*), *Butt v. James*, 2 Hagg. Ecc. Cases, 424. Faculties are to be granted at the discretion of the Ordinary, but it must be a sound discretion, having due regard to the interests of all concerned. The learned Judge below has expressly submitted his judicial decision to the dissent of the incumbent and the authority of the Bishop. This he had no right to do. His judgment was grounded on the Bishop's letter to the present appellant, but

the appellant, on applying for a faculty, had a right to the judgment of his Lordship entirely apart from any opinion the Bishop may have formed upon the matter.

Sir W. M. James.—The correspondence of the Bishop is not a matter of legal authority.

Dr. Stephens.—Precisely so.

Sir W. M. James.—The Dean of Arches had no right to look at the letter in forming his judgment.

Dr. Stephens.—No right at all. (*Harper v. Ford*, 5 Jur. N. S.) Dr. Lushington expresses himself clearly on this point.

The Lord Chancellor.—We may assume that the Bishop's correspondence is not allowed to come in.

Dr. Stephens.—*Brecks v. Woolfrey*, cited by the Judges below, has no application to this case.

Sir Barnes Peacock.—*Brecks v. Woolfrey* is with you as far as it goes.

Lord Penzance.—Did the incumbent ever assert his right to refuse the tombstone altogether?

Dr. Stephens.—No. The Incumbent only acts on behalf of the Ordinary.

Dr. Stephens.—The Judges below seem to have thought that the Church can give titles,

The Lord Chancellor.—No titles can, of course, be given, except from the Crown.

Dr. Stephens.—Now, as to the question of the epithet "Rev." depending on episcopal ordination.

Sir W. M. James.—Is there any authority to show that is so?

Dr. Stephens.—None whatever. There is no authority in the world for it. It is a mere abstract theory.

Sir W. M. James.—The Dean of Arches assumes that "Rev." is rightly the title of a man who is episcopally ordained. What connexion is there between episcopal ordination and the title of "Rev.?"

The Lord Chancellor.—It is appropriated as a title of honour.

Dr. Stephens.—They rest it upon user.

The Lord Chancellor.—The Judges of Assize were, I think, called "Rev." in the Bidding Prayer at the University.

Dr. Stephens.—It is by no means only the clergy of the Church of England who are entitled to the use of the word "Rev." In the fifteenth and sixteenth centuries "Rev." was

applied to the laity—persons of estimation among the laity, whether male or female. It was, moreover, distinctly not used in reference to the parochial clergy. In the well-known "Paston Letters" ladies and gentlemen address each other as "Rev." and "Right Rev." Servants address their masters in the same way, and the clergy so address the laity; but, on the other hand, the clergy are always addressed by the laity as "Sir."

*The Lord Chancellor.*—Should a clergyman now allow a lady to be styled "Rev." on a tombstone? Does your argument carry you as far as that?

*Dr. Stephens.*—No, my lord; because the common usage of the day would not allow it.

*Lord Penzance.*—The question is whether there is an encroachment on a monopoly of the clergy.

*Dr. Stephens.*—There is no monopoly whatever shown by user or in any other way. I will refer you to the eighth volume of "Dugdale." (The learned counsel here referred to an inventory of Church vestments in "Dugdale" of the date of the 16th century, in which Archbishop Morton was named as "Mr. Morton, Cardinal Archbishop.") He followed up this reference by two others, dated 1585 and 1675 respectively, in which the term "Rev." was applied to Judges.

*Sir F. Kelly.*—In many places and books and at many times the word "Rev." has been used in connexion with people who have never been ordained.

*Sir W. M. James.*—All that is meant is, "I am a Wesleyan minister;" there is no further claim whatever to any title which belongs only to Church of England ministers.

*Dr. Stephens.*—As to the charge made against the doctrines held by the Wesleyans, there is no shadow of foundation for it. They are all but, if not completely, identical with those of the Church of England. Secretaries of State have continually addressed Wesleyan and other Non-conformist ministers as "Rev.;" so also have the Prerogative Court and the Court of Probate.

*Sir W. M. James.*—There has been, therefore, a univeral user.

*The Lord Chancellor.*—The question is reduced to whether a customary epithet placed on a tombstone, otherwise unobjectionable, would justify a refusal of the faculty.

*The Lord Chancellor.*—The applicant is a Wesleyan minister, residing at Owston Ferry, who lost an infant daughter in the year 1874. She was buried at Owston Ferry, and he was desirous of erecting a tombstone, a *fac simile* of

which is before us. The Rev. George Edward Smith is vicar and incumbent of Owston Ferry. How far Mr. Smith may have objected to the erection of a tombstone at all, or how far on various grounds connected with its shape and appearance, it is not necessary for their Lordships to inquire, for no objection has been raised on these points. Mr. Smith has not appeared at any of the stages of this suit in the Courts below or on the present occasion. The only way we know the condition of his mind on the subject is as follows. The appellant was told by a stone-mason of the vicar's objection. He wrote to the vicar the letter dated the 2nd of June (which his Lordship read), to which he received no reply; and another dated the 8th of June, both letters asking the reason of the vicar's objection; to the latter he received only a verbal answer—"The vicar had no more to say," &c. Their Lordships are, therefore, obliged to assume that the vicar's only objection to the erection of the tombstone is that it contains the words "Rev." and "Wesleyan Minister." (His lordship here read the epitaph as given above.) Their Lordships have, therefore, only to consider whether this constitutes a sufficient objection to justify the refusal of the issue of the citation. The learned Judges in the Courts below seem to have thought that the word "Rev." is a title of some kind, and, as titles are matters of property, persons who claim them must show a right to use them as of honor or courtesy. It seems also to have been their opinion that the clergy of the Established Church had by Episcopal ordination an exclusive right to the use of the word (unless indeed the right be shared by priests of the Roman Church). In the opinions of their Lordships "Rev." is not a title of honour or courtesy; it is a *laudatory epithet*. It has been used, not for a great length of time, but for some considerable time, by the clergy of the Church of England. It was used in ancient times by persons who were not clergy at all. It has been used and is used in common parlance of social intercourse by ministers of denominations separate from the Church of England. It is, therefore, impossible to treat this as an exclusive possession of the Church of England. I cannot help adding that if ever there was a case in which no possible misunderstanding could arise it would be here, where on the face of the inscription it appears exactly what was meant. There are appended to the name of Henry Keet the words "Wesleyan Minister." There is no pretence to the position of ordained minister in the Church of England. The statement is one which claims nothing more than what is actually the fact. Their Lordships are, therefore, of opinion that a faculty should issue for the erection of the tombstone in question.

Cause remitted.—*Idem.*

# REVENUE REGISTER.

No. 4.] MADRAS :—SATURDAY, APRIL 15, 1876. [VOL. X.

## A MANUAL OF THE CUDDAPAH DISTRICT—II.

WE resume our notice of Mr. Gribble's Manual of the Cuddapah District. Chapter II is divided into two sections—Section A treats of the Geology, and Section B of the Population of the District. The section on Geology was contributed by W. King, Esq., of the Geological Survey. In the beginning of his contribution, Mr. King mentions a curious fact, viz., that the Geological distinction between the rocks of the district stratified and crystalline strangely coincide with its political division into collectorate and sub-collectorate. The chief Geological products of the district appear to be diamonds, iron, lead, and copper, building stones of good quality, road materials, &c. With the exception of the building materials, these resources do not seem to be very valuable. An attempt made in 1868-69 to work for diamonds did not meet with success. The iron ore, though scattered pretty generally over the district, does not occur in any considerable quantity; and the demand for it is but trifling. Lead appears likely to afford a more profitable source of industry. It appears chiefly in the form of Galena, which contains silver. Of copper but a trace is to be found. In the section on Population an

interesting account is given of the various castes and their occupations. We learn that of the Chetties 84·4 per cent of the males are employed, a fact which, as Mr. Gribble points out, shows that they must accustom their children early to habits of industry. Of the criminal classes the principal are the Yenadies, the Yerukalas, and the Chenchuwars. Of these tribes the first seem to be but little removed from the beasts of the field in their moral nature. They are perfectly unaware of the value of human life: they would kill a man with as little compunction as they would slaughter a sheep; and to remove a waist-cloth of a nominal value, they would kill its sleeping owner. The Yerukalas do not appear to be of a much pleasanter nature, for though we are told they are not so savage as the Yenadies, they are more determined criminals. It appears that in Mr. Gribble's own experience one of these men came to a village under the pretence of begging, and having ascertained which women wore jewels, and whose husbands were employed in the fields at night, he returned in the night, and snatching up the sleeping women tore away their jewels; wrenching off the lobes of their ears in removing the massive gold ear-rings they wore. In one instance at least this was done with so much violence, that the poor woman's head was seriously injured when

she fell to the ground on her brutal robber relaxing his hold.

Chapter III is entitled Descriptive Notice of the Taluks. No doubt the information contained in this chapter has been brought together with much trouble and will be useful to some people. As however it would not interest our readers, we will pass on to the second part of the Manual. Here we may mention that though the Manual is divided into parts, the chapters are regularly consecutive, which is a great convenience for the purpose of reference. Chapter IV is divided into three sections, treating of the early history of the district, the district during the last century, and the district under British rule. Of the early history of the district, as is very natural, but little is known, and unfortunately the dearth of authentic information is only supplied by scarcely reliable legends. In the earliest authentic times Cuddapah appears as a portion of the Vijianuggur empire, and an important part too apparently, contributing much wealth to the ruling power. In 1564, when Rama Rajah occupied the throne of Vijianuggur, four Mahomedan powers united to attack the ancient Hindu dynasty : a decisive battle was fought, and Rama Rajah being completely defeated, begged as a favour that he might not survive his defeat. The Mahomedan general, who is said to have been a personal friend, complied with his request, and with his own sword cut off the unfortunate prince's head. After the fall of Vijianuggur, the Zemindars and Poligars who had held their lands on military tenure from the sovereigns of Vijianuggur, assumed each his independence. Those above the ghauts being removed from the tide of Mahomedan conquest then setting southwards, succeeded in retaining possession and held their estates direct from the Hydrabad government. Among the more important of those who

asserted their own independence were the Rajahs of Mysore. They not only held their own, but encroached on their neighbours and extended their conquests until 1638, when their day of reckoning arrived, and Dhoola Khan, then in command of the Mahomedan army, laid siege to Seringapatam. He failed in this object, but took Bangalore and Sera, where he founded a provincial government. Second in command on this occasion was Shahjee, father of the renowned Sivajee. Shahjee resided at Bangalore and Kolar, while Sivajee having been left at Poonah, soon distinguished himself in that wonderful career so well known to history. After a time he entered into a league with the Rajah of Golconda; and in fulfilment of his part of the contract, he subdued the various poligars of the Cuddapah and Bellary districts. This does not appear to have been altogether in the interests of the Rajah of Golconda, for in each place Sivajee located a Mahratta Brahmin devoted to his own interests. Some difficulty in ascertaining the exact fate of Cuddapah in the troublous times that succeeded has been occasioned by the misnomer of *Kurpa*, which became substituted for *Cuddapah*, an error which Mr. Gribble informs us still prevails in the English commercial world with reference to the cotton and indigo produced by the district. Mr. Gribble adds, "unfortunately the cotton, as well as the dye, is as often adulterated and corrupt as the name it bears."

In 1757 the Mahrattas overran the Cuddapah District, though they did not establish any permanent kingdom there ; and about 1769 Hyder Ali having made peace with the English, with whom he had been at war, commenced operations against the Mahratta power in Cuddapah. At first he did not meet with much success; but on the death of Madoo Rao in the end of 1773

he renewed his efforts, and after some little time conquered the country. Tippoo Sahib succeeded his father in 1782, and Cuddapah remained in his hands until 1790-91, when the Mahrattas, the Nizam and the English combined against him. The Nizam naturally wished to regain his former possession of Cuddapah, and proceeded to besiege the Fort of Guramkonda. Nothing that the Nizam's force could do had any effect on this almost impregnable fortress; but after the arrival of a detachment of English artillery, Capt. Read took the lower fort; but instead of proceeding to take the upper fort, the main body of the Nizam's army and the English contingent resumed their march, leaving a sufficient force with Hafizjee to capture the upper fort. When Tippoo heard of the capture of Guramkonda, he despatched an army of 12,000 men under his young son Futteh Hyder, assisted by two generals. Hafizjee was taken prisoner and put to death after enduring the most cruel tortures; and the garrison in the upper fort was relieved. So important was the possession of this fort considered, that the Nizam's army and the English contingent, on receiving the news, immediately marched back, retook the lower fort, and continued the siege of the upper fort which, however, resisted all their efforts until it was ceded to the Nizam by Tippoo in 1792. Eventually, in 1799, Cuddapah was transferred to the English by the Nizam for the arrears of pay due to the English contingent. Mr. Gribble so well summarises the previous history of Cuddapah, that we must be excused for reproducing it in his own language. "For the last 500 years it had been a debatable land. Situated on the borders of several powerful kingdoms, the vassal of one yesterday, of another to-day, and of a third to-morrow, its lines can scarcely be said to have fallen in pleasant places. It is true that since the British have ruled

the district there is but little of history to be gathered from the 70 years of possession, but this absence of materials for history is owing to the monotony of peace and the quiet it has enjoyed. There is so little to tell of the previous centuries of native rule, because whatever materials may have existed, have been destroyed in the succeeding scenes of robbery, murder, war and treachery."

Mr. Gribble's picture of Cuddapah under British rule opens with a fine notice of Sir Thomas Munro: we extract a portion of it for the benefit of our readers.

"The Government of Madras, however, were fortunate enough to possess an officer who was able to institute order and good government in the place of anarchy and robbery.

This man was Major Thomas Munro, afterwards Sir Thomas Munro, Governor of Madras. Munro was then 39, and had been for eight years employed in the Revenue Department. He had been appointed, in the first instance by Colonel Read, the Collector of Salem and Baramahal. This appointment of a military man to revenue duties created intense dissatisfaction amongst the Civil Servants of Madras, and it was many years before Munro was able to live down the opposition, (if not hatred), which he met with during a great part of his official career. In 1798 he had been appointed Collector of Canara, and now, after a little more than 18 months' service in that appointment, was transferred as Principal Collector of the Ceded Districts. There is scarcely a taluk in the districts of Salem, Cuddapah, and Bellary where some trace or some legend of "Munro doraigaru" is not to be found. Here it is a bungalow, there a raised camping-ground, and in a third place a tope; but wherever and whatever it may be, it is regarded by the natives as a sacred spot, and is invariably pointed out to the European visitor as the place where the Colonel Sahib passed a few days.\* But whatever recollections Sir Thomas Munro may have left behind in other parts of the country, he has left his mark in a peculiar manner upon the Ceded Districts—Cuddapah, Bellary, and a portion of Kurnool. Almost every institution at present existing was inaugurated by him; at one and the same time he started and kept in working order a new establishment of revenue servants, a new system of revenue settlement, a new survey, a new department of public works, and a new police. Besides this

\* *Vide Chapter on "Popular Superstitions."*

he was Commissary-General for the Army of the Commander-in-Chief, which was in the Ceded Districts a year after he joined, and he insured so constant a supply of all that was required, that he received the Lieutenant-General's thanks for his cordial co-operation. And yet, in spite of all this multifarious work, he was never at a standstill. He was always ready to meet every emergency, whether it was suddenly to remit three lakhs of pagodas, or in two months' time to furnish 250 garce of grain. It was in these districts that, after he had resigned his civil appointment, he was, as General Munro, in command of an expedition against the Mahrattas, and last of all it was in the Ceded Districts that Sir Thomas Munro, Governor of Madras, made the tour during which he died. He died as he had lived—in harness—and a letter written from Cuddapah, only a short time before he was carried to his lonely grave in Gooty, speaks of the pleasure he felt in being back amongst the people for whose welfare he had for so many years worked.

Two traditions of Munro—one narrated by Gleig, and the other familiar in this district—may not be out of place.

In 1807, the last year of his collectorate, during the settlement of a boundary dispute between Bellary and Mysore, a native assaulted another. The man assaulted at once exclaimed, "I shall go to Anatapoorn" (Colonel Munro's head-quarters) "and complain to the father." From his public despatches we find Munro continually fighting against 'turbulent poligars' or corrupt officials, but what better proof could there be of the tenderness and justice with which he governed the people generally.

A short time before his death, whilst on his way to Bellary, Sir Thomas travelled through the district of Cuddapah. He passed from the upper table-land of the sub-division to the valley below the ghauts by means of the narrow gorge where the Papagny breaks through the hills. Whilst riding, he suddenly looked up at the steep cliffs above, and remarked to the natives riding behind him, "What a beautiful garland of flowers they have stretched across the valley." They all looked, but said they could see nothing: "Why, there it is! all made of gold!" Again they looked, but saw nothing. Sir Thomas made no further remark, but one of his old native servants quietly observed "alas! a great and good man will soon die!" A few days afterwards, and Sir Thomas Munro had passed away.

But to return to the work that Munro accomplished when first he joined his appointment. His task was no easy one. He was appointed Principal Collector of the Ceded Districts on 1st November 1800, and was placed in direct communication with the Governor instead of the Revenue Board, until such

time as the country should be brought to order. Four subordinate Collectors were placed under him, stationed at Harpunbally, Cuddapah, Adoni, and Cumbum. The arrival of Munro was the signal for every petty poligar to resist the Company's authority. Fortunately for the new Collector, the wars which had occupied the last two decades of the eighteenth century had reduced most of them in power. But, though impoverished and reduced, they had, during the last 50 years, seen so many successive governments that it can be understood they did not expect the British rule would be a permanent one. They, therefore, endeavoured as much as possible to evade its demands. When strong enough, they resisted them and kept the Ameens\* in confinement, and when too weak to do this, they absconded without paying their rent, and fled from one friendly chief to another in the hopes of being able to raise adherents, or of being able to hold on until the rising of some other power would enable them to shake off the British yoke. From the very first moment of his arrival Munro recognized the necessity of crushing the power of the poligars for ever. Immediately after his arrival we find him writing:

"Before we can draw our revenue undisturbed from willing subjects we shall have to remove many powerful and turbulent poligars, and many petty ones of modern origin, who have taken advantage of the troubles of the times in order to withhold their rents for a few years, and then to declare themselves independent. The reduction of these vagabonds, who are a kind of privileged highwaymen, will render us much more able to resist our external enemies."

So quickly and so effectually did Munro do his work, that in March he was able to settle the revenues of Gurrumkonda district, and in April the whole division was placed under the direct management of the Board of Revenue. One difficulty he had to overcome was the presence of bodies of the Nizam's troops who refused to leave the country until their arrears of pay were settled. This Munro did at once, leaving the money to be recovered hereafter. The poligars moreover were kept in check by a proclamation declaring that every chieftain who garrisoned a fort, maintained an armed force, or levied contributions, would be treated as a rebel. This was not a mere empty threat, for in May 1801, General Campbell marched against Vemlah, in the Pulivendla Taluk, and reduced the poligar to obedience by battering his fort about his ears. Munro's summary manner of treating these petty chieftains did not meet with universal approval. The Governments of Madras and Calcutta gave it their

\* Subordinate Revenue Officials...

sanction, but the Court of Directors condemned it in the strongest language as "not only disingenuous, but harsh and ill-considered," and called upon Munro for a complete explanation of his motives, threatening that, if this proved unsatisfactory, he would be removed from his appointment and never again employed on revenue work "for which the violent and mistaken principles of his conduct seemed to render him unfit." The Directors wished the poligars to be upheld in their right and enjoyment of the soil, and trusted that a gradual course of good government would wean them from "their feudal habits and principles," (rather a mild term by the way for robbery, murder, and rebellion) and turn them into peaceful citizens. Strange to say there is no explanation of Munro's to be found on record, and there is no other proceedings of the Directors approving of his settlement. After having given full vent to their humane feelings, the Board of Directors seem to have quietly pocketed the increased revenues, which were the result of Munro's "disingenuous and ill-considered policy," and to have made up their minds to say nothing more about it. In the meantime Munro pursued his old line of conduct. He steadily followed each delinquent; and, though at times when the forces under his orders were employed on their duty, he was compelled to remain quiet (for he made a point of never using force until he knew that he had sufficient troops to render resistance unavailing), he always carried his purpose in the end. For months perhaps the fugitive poligar would be going from one friendly chief to another, endeavoring to incite each into rebellion, and at the commencement of Munro's rule these men perhaps laughed at the ineffectual manner in which the Company's Collector carried his orders into force; but Munro never moved from the line he had adopted. He had at first only a limited number of troops at his disposal. He employed them, as occasion happened, in hunting out or reducing the forts of the absconding poligars, but he never allowed them to be diverted from the object they had in view. Other poligars might disobey his orders, might abscond or attempt to raise rebellion; for the present Munro was hunting out the Poligar of Nossum (or whatever the poligar might be), and until that was done, he said nothing. Frequently a passage like the following occurs in Munro's despatches: "I was not prepared at the time to enforce any demand by force, and I therefore took no notice of his conduct." But when the time came that Munro was able to enforce his demand, the recusant poligar was hunted from place to place. He was allowed no rest. If he took refuge with a chief beyond Munro's jurisdiction, no force was used. Munro quietly looks on and remarks to the Board that, since for each protection the poligar's

friendly ally will squeeze as much money from the fugitive as he can, the poligar will, after a few more such visits, be left without any more resources, and as none of his friends will dream of protecting him when he has no more money, he will then be compelled to surrender to the troops who, for days and weeks, have been following and waiting for him as patiently as a cat for a mouse. The whole of the first eighteen months of Munro's rule was taken up by these incidents. One is almost a *fac simile* of the other; the beginning and the end are always the same. The poligar begins by refusing payment, he becomes refractory or absconds, and he ends by being captured, his estate is confiscated, and he is confined in the fort of Gooty. As an example I quote one of Munro's despatches, because it is one of the shortest, and because it shows as clearly as any other the principle he acted upon (letter to Board, 25th November 1801):—

'The Poligar of Oopaloor, about 80 miles to the west of Cuddapah, disobeyed the summons I sent him in February last to meet me in order to settle his rents, and he also refused to relinquish to the Sircar villages which he had obtained on rent a few years ago from one of the Nizam's Amildars. I was not prepared at the time to enforce my demands, so I took no notice of his conduct until the division under Major-General Campbell encamped in this neighbourhood in June, when I directed the Amildar\* to take possession of the Sircar villages which were given up without opposition. The poligar was permitted to keep his hereditary village of Oopaloor on the idea that he would in future show more obedience to the civil authority. On my arrival here on the 20th instant, I found that he would neither come to the cutcherry himself nor allow the Curnam of his village to bring me his accounts. All the Poligars of Gurrakonda had come in with their accounts, and as I was sensible that their example being followed by those in other parts of the country, would depend in a great measure on his treatment, I resolved to seize him without delay. As he had only 20 armed followers, the Amildar's peons would have been sufficient for the purpose, but as there was a chance of his escaping and collecting more followers, and committing depredations before he could be taken, I requested Colonel St. Leger, commanding at Camelapoore, to send a detachment against him. The Colonel in consequence marched himself last night with these troops, and surprised and made him prisoner without any loss. I shall keep him in confinement in Gooty, and allow him such a proportion of his revenues as the Right Honorable the Governor in Council may be pleased to direct.'"

\* Amildar is still the term in ordinary use for a Tahsildar.

After the days of Munro some petty troubles occurred from time to time, in one of which an unfortunate Collector named Macdonald was barbarously murdered in the endeavour to protect a Missionary who had implored his help; and in 1846 Narasimha Reddy, a descendant of the Jaghire-dar of Nossom, stirred up a small rebellion, which it required the interference of the military to entirely subdue. With this the political history of Cuddapah closes, the succeeding chapter being devoted to the Revenue History of the District.

### CORRESPONDENCE.

#### LONDON LIFE.

[FROM OUR SPECIAL CORRESPONDENT.]

SIR,

I mentioned in my last instalment of "gup" that Queen Victoria had once more emerged from her prolonged seclusion and opened the Parliamentary Session in person. With the cheers which greeted her on that occasion still ringing in her ears, she made a second effort in the public interest on February 25th, and was present at a grand concert given at the Albert Hall. Again was she received with enthusiasm; and on Tuesday last she proceeded in state from Buckingham Palace to Whitechapel to open a new wing of the London Hospital. Then the world had substantial proof that the Queen is truly enthroned in the hearts of her people; never before had she received a more gratifying and more sincere ovation. All along the line of route, in the aristocratic purlieus of St. James's, on the crowded Thames embankment, in the busy thoroughfares of the city, in the crowded environs of the Stock Exchange, and in the densely-thronged neighbourhood of the Hospital, the display of loyalty was lavish and unanimous. Banners, flowers and draperies decorated the streets, but the greatest attraction and the greatest ornament of the route were the smiles and happy faces of a contented populace. In no metropolis in Europe could such a sight be witnessed save in our own. We have Whigs and Tories, and Radicals, and grumbliers and pessimists, and perhaps a few half-hearted Fenians, but all unite in respecting the monarchy and venerating the piety and virtue of its distinguished embodiment. The more than

gratification—the pleased emotion with which Her Majesty acknowledged the salutations of her lieges—was patent to the most unobservant eye. It really seems a pity that having inaugurated the season so auspiciously, she should be obliged to proceed to Germany so speedily; however, she will again be in England in time to participate in the festivities which will celebrate the safe return of the Heir-apparent. It is a curious and perhaps not altogether happy coincidence that no member of the Royal family will be in the United Kingdom at the beginning of April. With the Queen and Princess Beatrice at Rosenheim, the Prince of Wales at Malta, the Princess at Paris en route to meet her husband, the Duke and Duchess of Edinburgh at St. Petersburg, Prince Arthur at Gibraltar, and Prince Leopold in the south of France, we shall be left alone in our plebeian glory. But the return of the Prince will be hailed with all the more satisfaction. He has already been absent five months; it will be quite six before he is again in London, and, although the time has slipped away very rapidly, his prolonged visit to the East has caused a very sensible blank in society. The affability, geniality, cheeriness and good humour which have won for him such golden opinions throughout India, are not less appreciated in the United Kingdom. After the gorgeous processions, the magnificent ceremonies, the grand scenery and the varied wealth of Hindustan, this little island may appear tame and dull; but home is home, as many of your readers can heartily testify, and we flatter ourselves in England that our future King will be as pleased to gaze upon his subjects once more as they will be to welcome him after his adventurous travels.

We have almost ceased to take any interest in Turkey; the victimised bondholders see their chances of redress daily dwindling, and are resigned to the inevitable. Not so, however, is it with Egypt. We have got our fingers well into that pie and mean to keep them there, if perchance we may rescue some plums for ourselves. At the present time the financial (I do not say political) embarrassment of the Khedive equals that of the Sultan, but whereas the latter is an effete lunatic surrounded by a corrupt court and an unscrupulous council, the former is an energetic and self-reliant ruler, who will be obeyed and who is endowed with qualities which pertain to the European rather than the oriental character. This makes a vast difference, in fact the difference between certain bankruptcy and probable solvency. Turkey unblushingly repudiates her obligations, but does not attempt to reform her exchequer. The motto of successive Grand Viziers,—and Heaven knows they are changed often enough—would appear to be "Let us eat and drink, for to-morrow we die." They count upon it that Allah will permit the

existing luxury, corruption and *dolce-far-niente* to last their time, and what matters anything beyond the immediate future to the rulers of a land where selfishness reigns supreme and where patriotism is unknown? Egypt is governed by a powerful will, and when Ismail Pacha says that the revenue and expenditure of his kingdom must be revised, we may feel sure that some steps will be taken in the matter. His promises are not the delusive pie-crusts so often furnished by the political bakers at Constantinople. Great schemes of financial reform have been discussed at Cairo during the last month, and numerous have been the advisers who, for the most part, were considering their own aggrandizement quite as much as the welfare of the State they would fain rescue from collapse. Italy, France and England have each sent more than one representative, and very complicated intrigues have been afoot in order to minimise English influence in Egypt. Ever since we bought those unlucky canal shares, all our actions have been viewed with a jaundiced eye, and foreign nations, France especially, cannot realise the fact that we would sooner appropriate an entire herd of white elephants than annex any portion of the Khedive's dominions, for we should not know what to do with our spoil when we had got it. I had expected to be able to give you the result of Mr. Cave's mission to Cairo, but I am disappointed, for, although that gentleman has returned to London, his report has not been made public, and we are in profound ignorance as to all he thought, did, or recommended during his sojourn on the banks of the Nile. Of course, rumours of what occurred are as plentiful as diversified, but it is useless to attempt a recapitulation of them. The Special Correspondent of the *Daily Telegraph* alone has contributed about a dozen columns weekly on the subject, and professes to be the *ami intime* of the vice-regal household, and to know "all about" it; but, unluckily for the gentleman who fills the important post of Special Correspondent at Cairo, we are continually haunted by recollections of the irreclaimable savage in Khiva and the renowned "man-and-dog-fight" in the midland counties, which redounded more to the credit of their graphic delineation and imagination than to his stern regard for facts. Whatever may be the final upshot of the various financial combinations which have been fluctuating during the last few weeks between Cairo, Paris, London, Vienna and Turin, it may be prognosticated with tolerable safety that the resources of Egypt will prove to be substantially sound and re-assuringly elastic, that the Khedive and his advisers, so far as he consents to allow them a voice in the matter, will make honest efforts to consolidate the floating debt and provide for the punctual payment of interest on existing loans, and that the scare which has

frightened investors and encouraged speculators in Egyptian Bonds will soon pass away. Great blame has attached to the Khedive for what has been most unfairly styled his invasion of Abyssinia. Now, in commenting on this matter, I may without egotism claim to be no *sutor ultra crepidam*. When the British Government entrusted to Sir Robert Napier a force (quorum pars minima fui) to subjugate the truculent Theodore, I spent ten months in the country, and had ample opportunities of studying the manners and customs of its inhabitants. To repeat a hackneyed phrase, I can conscientiously affirm that "their customs are atrocious, and manners they have none." Because they style themselves Christians, a spurious sympathy has been excited on their behalf, but uninformed philanthropists ought to be told that Abyssinian Christianity is the embodiment of Old Testament morality, and is quite a stranger to the Gospel dispensation. The Christian subjects of the late Theodore and the present Kassai, indulge in polygamy, and make beasts of burden of their wives and other female relations. They are people who would always be ready, and willing to "hew Agag in pieces." Theodore himself was a reproduction of King David in his most vicious and unrepentant years. Inebriety and adultery, idleness and ambition, are the pleasant, and ever present, vices of the Abyssinian nation. Far be it from me to suggest that the professing Christians in this or any other European State are immaculate; but when the virtues of Abyssinia *soi-disant* Christians are flaunted before our eyes to the disparagement of their Mahomedan neighbours, I loudly protest that the balance of equity, right feeling and cleanly living is very much in favour of the Moslem. There can be no doubt that King Kassai provoked the attack which the Khedive has been compelled to institute. In May 1868, at the close of the British Campaign, I addressed the following lines to an English newspaper: "Undoubtedly authentic news reaches me that extensive presents are about to be offered to King Kassai. A battery of field guns has been sent for from Bombay, and these as well as fifteen hundred Enfield rifles, with a proportionate quantity of ammunition, are destined for the Tigre monarch. Am I singular in my idea that if this prince is powerless to check the peccadilloes of his disagreeable subjects, always on the *qui vive* to plunder his nearest allies, he is hardly to be trusted with the formidable weapons which we propose to place in his hands."

I venture to say that my conjectures have turned out correct; his marauding subjects, having been relieved of their great bug-bear Theodore, proceeded to harry their neighbours. Aided by the unusually powerful artillery which we had inconsiderately left behind us, they

found victory so certain, that Kassai soon began to fancy himself a second Napoleon Buonaparte. Theodore was not half so rapacious; *l'appétit vient en mangeant*, and Kassai finding he had no more "worlds to conquer" in the immediate vicinity of his kingdom, turned his attention to Egyptian territory. The same system of plunder and extortion which had proved so "toothsome" and so successful in Tigre was extended, and the subjects of the Khedive began to fall victims to the rage for rapine and conquest. Kassai was the invader and not Ismail Pacha, but because the former astutely dubs himself a Christian, the "*unco guid*" in this and other countries think that such a king "can do no wrong." Whatever his pecuniary embarrassments may be, no true friend can seriously advise the Khedive to recall his troops from Massowah, *re infectā*. Such a course would be simply inviting fresh disasters and increased outlay in the future, combined with immediate humiliation. The rainy season is now so fast approaching, that the Egyptian army may not be able to overthrow their opponents this spring; but they must succeed in the autumn. Meanwhile it is annoying to recollect that we were the "first cause" of King Kassai's high-handed and oppressive conduct.

The late elections to the Representative Assembly in France have been decidedly disappointing, and in the estimation of some people not a little alarming. The Napoleonists, Orleanists and Legitimists have been discarded in every direction. The Republicans, to use a sporting metaphor, have "walked over." Not however because the universal tendency of the country is towards republicanism, but because the respectable middle and upper classes have in a great measure refrained from recording their votes at all; in fact, that section of society which the Right Honorable John Bright has designated as the "*residuum*" have had the field to themselves. This is unfortunate and not altogether easy of explanation. The solution of the puzzle may be somewhat as follows: The Orleanists and Legitimists hate each other most cordially, and have no greater liking for the Napoleonic Dynasty. They will not vote for either of the Royal families, nor will they support the Imperial party, and they are individually too weak to do any thing for themselves by themselves. The Imperialists are biding their time; they do not feel themselves as yet prepared to strike any decisive blow; and moreover, they are unwilling to cause Marshal McMahon any offence by disturbing the Septennate and thus curtailing his lease of power. So, for the moment, the Republicans appear victorious, but it will be a hollow and short-lived triumph, for, so long as the President keeps the army in hand, no number of Republican deputies will succeed in revolutionising the policy of the State.

Unless I am greatly mistaken, a most deceptive calm reigns in Europe, and a little bird, for whose acumen and discernment I have the highest respect, and whose nest is ensconced in a snug corner not far removed from the most influential diplomatic circles, whispers to me that, ere the summer passes, we shall witness strange convulsions on the continent. The months of May and June are frequently prolific of wars and rumours of wars, and those periods of 1876 are likely to prove no exception to the rule. Last summer hostilities were on the point of commencing, when Russia interfered because Austria was not ready, and Prussia could not be permitted to suck the orange dry without others sharing in the fruit. Now I fancy matters have been satisfactorily arranged, and unless France, Belgium, and Holland are considerably stronger and better prepared for the struggle than the world in general has any idea of, the three great military powers are likely to play old gooseberry with the map of Europe, and infinitely disturb the mind of School-board teachers whether certificated or uncertificated. And what rôle are we to play in this great military and nautical drama? Are we to rush on the scene and take a leading part, or are we to play prompters at the wings, or are we to occupy a private box behind the "silver streak," and contemplate the performance with cynical indifference? Time alone will show.

One little compartment of the map of Europe is at last developing more encouraging symptoms. Spain, for the first time for nearly eight years, has rid herself of anarchy and revolution. The obstinate, possibly chivalrous, but altogether misguided Don Carlos, has tardily recognised the hopeless aspect of his cause, and has thrown up the sponge. He retreated into France last week and arrived in England, the invariable refuge for all political scamps, on Saturday night. It is hardly probable that the Spanish bond-holders, (who have been deprived of their interest mainly through the wild machinations of the Pretender), should have assembled at Charing Cross and Folkestone to receive him, nor is it likely that the general public take much interest in his proceedings or even in his existence; but still it is a fact that a considerable crowd assembled to witness his arrival, and their greetings were far from cordial; the kisses of the malcontents entirely drowned the feeble "*vivas*" of his compatriots and partisans. Such an expression of feeling was undignified and unnecessary, but it was a kind of protest against the useless bloodshed and widespread suffering of which Don Carlos had been the instigator and mainspring. Let us hope we shall hear no more of him, at any rate in connection with his afflicted country, and we must look forward to a "good time coming" when the Dons will recover their self-

respect, and discard their self-love, when a "pronunciamiento" will not be a daily occurrence, and when Spanish "threes" will be quoted in the same list with consols.

Parliament has not been very busy as yet, and no home-politics of stirring interest have come to the front. The army and navy estimates have been submitted to Her Majesty's "faithful Commons," but they are modelled on the old lines, and we trust to Providence to protect our shores and dependencies as of yore. Lord Cardwell and Mr. Goschen said we did not want an army or a navy, and Mr. Hardy and Mr. Ward Hunt, their successors, endorse their policy, bold, truculent, and animadversive as they always were when in opposition. The officers of both services are still in a chronic state of discontent. Their grievances are confessedly based on solid grounds, and Royal Commissions have been sitting for months, nay years, to devise a remedy for the stagnation of promotion and similar hardships; but, as these Commissions studiously abstain from framing and presenting any practical reports, the value of their existence is, to say the least, doubtful; indeed, a Royal Commission is rapidly becoming synonymous with a myth. Mr. Osborne Morgan, the untiring Welsh Dissenter, has again introduced his bill for opening Church of England burial-grounds for the reception of Jews, Turks, infidels, heretics, and schismatics, and has again been defeated, but not signally. He knows the value and significance of the saying *gutta cavat lapidem non vi sed scapo cadendo*, and if he returns to the charge again and again he will carry his point. Unwilling as we are to face the fact, the English Church establishment is doomed. Its abolition is the inevitable corollary of the Irish Act of 1869. The admission of dissenters to the churchyard must involve their admission to the church, and after that the Establishment will be a meaningless form. The loss of the *Vanguard*, which was sunk off Dublin by a sister ironclad, has also been discussed at St. Stephen's, but without substantial result. £500,000 has been sacrificed to Neptune, and as usual, no one is to blame; there have been two or three scape-goats who have been reprimanded and lost seniority, but public attention has been studiously diverted from the real culprits, viz., the Admiralty Board. The two celebrated fugitive slave circulars are still exercising the minds of lawyers and politicians, and a flood of correspondence on the same subject continues to pour into the columns of the daily papers; but as no one can understand what has been done or what is being done or what ought to be done, Mr. Disraeli has invoked the customary *Deus ex machina*, and requested a Royal Commission to extricate him from his entanglement. One view of the case strikes every dispassionate observer. If our ships are to be made asylums for runaway niggers, the

question becomes complicated; for if it is legal to receive one fugitive, it would be legal to receive five hundred. Where are you to stow them? How are you to feed them? The only plan would appear to be for each cruiser to be accompanied by a transport to be used as an ark of refuge. This is the *reductio ad absurdum*, but what answer have the abolitionists to give?

There have been many changes in our Parliamentary representatives during the recess. Death has been busy in their ranks, and several have been raised to the Upper House. The balance of parties however continues much the same, for, with the exception of Manchester, which has substituted a radical for a conservative, the various constituencies have remained faithful to their past traditions. There have however been some sharp and exciting struggles. At Retford the conservative party, which has monopolised the representation for forty years, only won by the skin of their teeth, and the riotous behaviour of the electors and non-electors quite re-called the good old days when cudgels and sabres were freely used, and "wigs on the green" was the *mot d'ordre*. At Horsham likewise the liberal candidate was elected by a narrow majority, and subsequently unseated by petition. In the second contest, Sir Hardinge Giffard, the Solicitor-General, was vanquished, and is still without a seat, which is a most unusual predicament for one of the legal advisers of the Crown. The Home Rulers still form a strong and united party, and almost invariably support Lord Hartington's views; but of course they cannot be depended on from hour to hour. Their inconsistency was neatly exemplified the other evening. Being Roman Catholics, they would shudder at the idea of allowing a Protestant heretic to be buried in their consecrated grounds, but to a man they voted in favour of Mr. Morgan's measure for, what they ought to term, the desecration of churchyards belonging to the Establishment.

Some scandal has arisen in diplomatic and financial circles owing to the sudden departure of General Shenck, the minister accredited by the United States Government to the Court of St. James's. The General has, it would appear, been most unfortunately implicated in a notorious swindle well known in this country as the Emma Mine, and his accusers are so influential, and their accusations so well defined, that he has thought it advisable to hasten to New York to confront the former, and refute the latter. This is his own version of the affair, but it is a significant fact that he left England without taking leave of Her Majesty, a proceeding unparalleled in diplomatic annals, and his successor has already been nominated. If he can clear his character, leave of absence would

surely have been a wiser selection than resignation; but granting that, for various reasons, he may have preferred the latter, why quit the country with such undignified haste, and give the scandal-mongers such a chance of traducing his fair fame? It is a dilemma; he must have been sadly conscience-stricken, or lamentably ill-advised. The history of the Emma Mine, so far as it can be gathered, is curious, and not altogether uninstructive. Two clever Yankees, father and son, named Chisholm, after "prospecting" unsuccessfully in Utah for seven years, discovered in 1868 a mine which they christened "Emma" after their daughter and sister. They worked it for three years with fabulous profits, and then in 1871, finding the ore beginning to give out, sold it to an English Company for five million dollars. How far the floaters of the concern on the London market were aware of the comparative worthlessness of the property it is not easy to determine; but it is certain that the promoters made a good thing of it, and the credulous investing public, the impecunious widows and struggling curates, have been the victims. The glowing reports of the mine must have been maliciously fabricated, and the eighteen per cent regularly paid to the shareholders for twelve or fifteen months must have been derived from capital. The mine never returned a dollar profit after the English Company was fairly launched. General Schenck's name was included in the list of promoters and directors. So many similar bubbles on a rather smaller scale have burst of late years that the Emma Mine has been lost sight of. But during the last few weeks some energetic dupes, under the guidance of Mr. MacDougall, the city Editor of the *Hour* newspaper, have taken heart of grace, and are proceeding to sift the ugly details. The first result of their action has been the abrupt disappearance of the American Ambassador. I may have some racy disclosures to make in my next. The morality of the city has now, I would fain hope, reached its lowest depth; but in these money-grubbing days, when Ambassadors, Peers, Members of Parliament and country gentlemen soil their fingers with stock-jobbing and speculation, the lowest depth is difficult to define.

The latest fashionable device for dispelling ennui has been transplanted from America. Men and women meet like school-children to undergo a competitive examination in etymology; and really, I believe, enjoy it; for although each one trips in his turn, yet, on the whole, the misfortunes of their friends console them for their own discomfiture. This intellectual sport was at first confined to select parochial circles, to young men's associations, to young ladies' boarding schools, and similar gatherings; but some leader of *ton* has elected to patronise the "Spelling Bee," and so we find the Lady A.

and the Hon'ble Mr. Z. amicably striving to apportion the due number of s's to "assassination" and the proper allowance of l's to "parallelogram." Society has patronised many less innocuous frivolities. The other day the world of the "Upper Ten" was electrified by a paragraph in the *Morning Post*, announcing that Lady C. would hold a "Spelling Bee" instead of a "small and early." What is a "Spelling Bee?" was the universal query. It is a revival of the sensations of our early school-days minus the accompanying drawbacks of that epoch; what was then considered a permissible form of torture is now regarded in the light of an agreeable pastime. "Everybody" went to Lady C's house, and they were all "charmed."

I am, yours, &c.,  
PERIPATETIC

LONDON, 11th March 1876.

## HIGH COURT—MADRAS.

MORGAN, C. J., AND INNES, J.

*Ancient, imparible, zeminary—Power of holder to alienate.*

*A sued to recover from B, C, and D portions of an estate which was, he alleged, an ancient zeminary, inheritable and imparible under Hindoo law, which had been improperly alienated by his predecessor.*

*HELD, on the evidence, that it was an ancient and hereditary estate; that it had been transmitted according to a particular mode of descent; that it was imparible; and that A's predecessor was not authorized to sell the estate, to raise money, or incur debts for his own extravagant purposes.*

R. A. 82 of 1875.

*Saluckai Thevar alias Oyya Thevar v. Pareyan-sami alias Kottai Thevar and three others.\**

R. A. 83 of 1875.

*Saluckai Thevar alias Oyya Thevar v. Ramasamy Chetty and three others.*

R. A. 84 of 1875.

*Saluckai Thevar alias Oyya Thovar v. Kosalaram Pillay and another.*

THESE were three appeals arising out of the decision of the Subordinate Court of Madura in O. S. 89, 105 and 107, of 1873.

\* "Republished from XI, *Madras Jurist*, p. 130."—Ed. R. R.

The plaintiff, Saluckai Thevar, Zemindar of Padamathoor, in all these three suits sought to obtain a decree declaring him to be entitled to four villages of his zemindary in the possession of the defendants. He alleged that he was only surviving son of a former proprietor of the zemindary, on whose death it had passed first to his brother and then to his brother's son; that this son had died without issue, and that he was the eldest surviving male member of the family.

Defendants urged that the plaintiff, Saluckai Thevar, was not the heir of the last proprietor: that the Padamathoor estate was not an ancient zemindary, or palayaput; that the villages were partible and alienable, and that they were in possession of them by sale and mortgage from the former proprietor.

The facts of the case sufficiently appear from the subjoined judgments.

*O'Sullivan and Bashyam Iyengar for appellants.*

The High Court delivered the three following

*Judgments:—10th November 1875.*

These three appeals (Nos. 82, 83 and 84 of 1875) are by the several defendants in three suits brought in the Subordinate Court at Madura, by Saluckai Thevar for the recovery of certain villages said to constitute a pollium or polliapt called Padamathoor in that district. Each set of defendants appeal from the decree pronounced in their case by the Court below in the plaintiff's favor. The suits for the most part involve the same questions, the villages in each suit, and the titles advanced to them by the defendants being, however, distinct. The suits were heard together by the Lower Court, and the documentary and other evidence common to all has throughout been treated as given in all the suits.

We shall proceed to dispose of the first of the three appeals in which the appellants are the representatives and minor sons of Ponusamy Thevar, deceased. The suit from which this appeal arises is in the nature of an ejection suit brought by Saluckai Thevar to recover four villages called Puvandy, Padamathoor, Yenady, and Kanuariruppu, forming part of the polliapt of Padamathoor, which is described in the plaint as an ancient zemindary imitable and inheritable "according to the custom of other similar zemindaries and the Hindoo law," and the title therein set forth is that plaintiff being the son of Muthuvaduganatha Thevar (who with his undivided brothers Muthusamy and Chinnasawmy were the sons of Oyya Thevar), and being the

**Exhibit LXXXVIII.** only surviving grandson of the last named

person, is entitled to succeed as the next heir to the late proprietor Dorai Pandien, who was the son of the said Muthusamy, and the grandson of Oyya Thevar.

Dorai Pandien died without issue on the 7th November 1861, and the present suit was not commenced until the month of October 1873.

The written statements of the defendants deny that the estate was an ancient imitable estate; they deny also the plaintiff's title to succeed thereto as heir; they state that the last holder was a divided member of a Hindoo family: also that he was competent to charge the estate, and to make alienations for purposes not prohibited by Hindoo law: and they claim to hold each of the four villages under titles derived from such charges and alienations.

Several issues were framed, which will be hereafter noticed, though not in the order in which they were disposed of by the Court below.

We shall consider first that which relates to the character of the estate claimed as the polliapt of Padamathoor. The evidence on this portion of the case is dealt with by the Subordinate Judge in disposing of the 7th issue "whether the estate of Padamathoor is partible or imitable."

The two documents (Exhibits G. and H.), mentioned in the judgment were admitted in evidence in the Lower Court without objection, and neither in the grounds of appeal to this Court nor in argument here has any objection been seriously urged against them. They are copies of original documents of which strictly some account should have been given, and sufficient reasons assigned for the non-production of the originals. The explanation offered and not disputed was that they were produced in the litigation which formerly took place between members of the plaintiff's family, and have since been lost or mislaid. They furnish the earliest information we have of these villages. The first document is dated in 1746, and is addressed to Padamathoor Oyya Thevar on whom it confers the ten villages therein named (among which are the villages sued for) as included in the Padamathoor polliapt, belonging to "self" "paying the tax thereon at 3 sanams per kalam of seed land as had been fixed by the "Peria Durai" (great lord, chief lord) before."

Of the person making the grant we only know that he is suggested to be the same who is elsewhere described as the son of the Setupathi, who held both Shevagunga and Ramnad, &c.

The other documents, a Sunnud from the Nawab Wallajah, dated 1773, purports to con-

tinue and to confirm in recognition of services by him rendered to the State, Veddyoor Zemindar Padamathoor in the zemindary of taluk of Padamathoor "as it had always hitherto been held."

Upon the occasion of the permanent settlement in 1803 of the zemindary of Shevagunga (within the bounds of which the villages are situate) after the escheat and re-grant of the estate, Padamathoor Oyya Thevar, the then holder of Padamathoor (or his brother) was selected as the person with whom the settlement should be made, and among the settlement papers there is a tabular statement of the resources and collections of the Shevagunga zemindary, importing that in the Kanoor Taluk within which the villages lie, a sum of 1,400 *slippons* was payable as tribute by the Poliagars. This sum which is shown to be nearly equivalent to the sum of 600 Star Pagodas, which was payable by the holder of Padamathoor is thus treated as an asset of the zemindary. Disputes afterwards arose between the Istimirar Zemindar of Shevagunga and his relations, regarding certain family matters, and also regarding the tenure of the villages (then only 8 villages in number) and the sum payable in respect thereof to the Zemindar. A suit was brought in 1823 by the Zemindar against his three nephews, Muthuvaduganatha, Muthusamy, and Chinna-samy, to eject them for non-payment of the arrears of an enhanced rent claimed by the Zemindar. From the written pleadings in the suit, it appears that the Zemindar so far from admitting that Padamathoor was a separate paliaput subordinate to the zemindary, and subject only to a quit-rent as alleged by his opponents, distinctly averred that their interest in the villages was derived from himself subsequent to his accession to the zemindary, and that in effect it differed little if at all from the ordinary right of ryots of the zemindary. The suit was compromised in 1826, and in the compromise it is declared that "the defendants who had not only insisted on their right to the paliaput, but also advanced claims to the zemindary, are not entitled to the Shevagunga

Samasthanum, and that Exhibit XLIX. they should pay in each year to the plaintiff the

circar kist of Parangi Pagodas 1,000, or 833 Star Pagodas for the 8 villages referred to in the plaint, and which were continued to be enjoyed by the defendants ere this;" and that the defendants should enjoy the said villages for ever. The document also provided for the payment of arrears of kist due to the Zemindar.

The effect of this compromise apparently was that without recognition of the paliaput, and in terms hardly consistent with its existence, the defendants were nevertheless continued in their tenure of the villages though at a rent enhanced beyond that fixed at the time

of the settlement. The permanent character of the tenure was recognized by the Zemindar, notwithstanding that by arrangement with his nephews he now succeeded in obtaining from them as if from ryots an enhanced annual payment.

No agreement between them could be effectual to alter or enlarge the Zemindar's rights in contravention of the provisions of the Regulation of Settlement (Reg. XXV of 1802, Sections 4-12). Bearing in mind who the parties were to this arrangement, and what were the circumstances attending the compromises, it appears to us to deserve but little weight either as evidence of the real character of the estate, or as working a change in any of its incidents.

On the death without male issue of the Zemindar of Shevagunga in 1829, his eldest nephew Muthuvaduganatha succeeded to the zemindary, and relinquished Padamathoor to his brother Muthusamy, the second son of Oyya Thevar. The deed of relinquishment recites the death of the Zemindar, and appoints Muthusamy "as our next younger brother," Zemindar of the paliaput of Padamathoor.

It proceeds thus:—"Now that Parvathavurthanee Nachiar, one of the pattam wives of our abovementioned junior paternal uncle is pregnant, we shall act as usual in the matter of the said paliaput in the event of her giving birth to a son, but should she be delivered of a daughter, we and our offspring shall have no interest in the said paliaput, but you alone shall be the Zemindar and rule and enjoy the same, allowing at the same time, according to the former arrangement to the younger brother

P. Bodhagurusamy Thevar  
Exhibit XLIV. the villages assigned to him.

Muthuvaduganatha and his descendants continued in possession of the zemindary until they were ejected under the authority of the decree of the Privy Council in 1863. His brother Muthusamy Thevar held the Padamathoor paliaput until his death in 1835, when his son Durai Pandien succeeded and held possession until his death in 1861.

Of the ten villages mentioned in the grant of 1746, eight only are named in the compromise of 1826, and of these villages it is admitted that one, the village of Chembur, having long ago been given to Vailai Nachiar, who was the sister of Muthuvaduganatha for maintenance has never been resumed, but has continued in the possession of her descendants or of those to whom it has been transferred by them.

Of the two other villages, we have no account beyond this, that they are stated in the answer of the defendants in the suit of 1823 to have

been given to the defendant's ancestral *dayadies* (cousins.)

No evidence was adduced in the Court below to throw further light on the character of the estate, or on the course of possession and enjoyment. The existence of the tenure in the middle of the last century is apparently recognized both by the superior lord and the ruling power; and in the settlement proceedings of 1802 the quit-rent payable to the Zemindar being alone included in the assets of the settlement, the palliaput is recognized though not expressly mentioned like some others (which are taluks in themselves) and is excluded therefrom. Although the litigation in 1823 between the Zemindar of Shevagunga and his nephews respecting Padamathoor conducted as it was on both sides in a most hostile spirit, shows that the former then asserted rights inconsistent with the existence of the palliaput, and the subsequent compromise contained no recognition of it, the conduct of the family afterwards, the mode in which the estate was dealt with, and held from the succession of Muthuvaduganatha to the zemindary until Durai Pandien's death in 1861, show that the old character of the estate was recognized. In our opinion it may fairly be deduced from the evidence that this is an ancient hereditary estate, and further, that it has been transmitted according to a particular mode of descent, and that it is imitable. We have directed evidence that it has been held ordinarily like a pallium by one person at a time, and there is also evidence of the imitable character of the property. Upon the question of imitability, it is said that the mode in which Muthuvaduganatha and his two brothers were sued first by the Zemindar in the suit brought by him in 1823, and afterwards in 1837 by Ramanadan Chetty and Lakschmanan Chetty the mortgagees tend to disprove this. Considering the object of the litigation in each case all the brothers would, it might be expected, be therein made defendants. And even were this not so, no inference of any weight can be drawn from the fact that Muthuvaduganatha was not regarded by the plaintiffs or their advisers as the only necessary party to the suits. But it must be admitted that in the first suit the three brothers by their answer while insisting that the estate was a palliaput held by them in the same manner as their ancestors had enjoyed it, appear to assume that they themselves then had a joint and equal interest, a contention not consistent with their subsequent conduct when the eldest brother succeeded in 1829 to the

#### Exhibit LXXXVI. Shevagunga zemindary.

A partition suit brought by Chinnasamy against Durai Pandien in 1844, which was pending at the time of Chinnasamy's death, and another suit by his widow in support of an alleged adoption are

also referred to. These suits were dismissed, nothing having been exhibited LXXXVII. therein determined respecting the partible character of the property, which was denied by the defendant, and which, until that time, had never been asserted by Chinnasamy, otherwise than in the answer to the Zemindar's suit.

The proceedings of the Inam Commissioner, in the year 1864, are also relied on, which have resulted in separate settlements of several villages with those who were then their respective holders, no claim to the settlement having been advanced on behalf of the ex-Zemindar of Shevagunga, in whose name some villages of the palliaput were recorded by the Collector.

It is true as has already been noticed that we have little direct evidence of the mode in which the villages have been held and enjoyed, and it is certain that some of the villages having been assigned for maintenance to members of the family, have never been restored or recovered by the holder of the palliaput for the time being, and are now found in the hands of strangers. There is nevertheless, we think, evidence of the fact that the Padamathoor estate has been transmitted for several generations by a peculiar mode of descent, and its special and imitable character has been recognized by the family except on the occasion of the dispute between Muthuvaduga and his nephews in 1823, and has not since been questioned until the suit of Chinnasamy in 1844. Neither the default of the holder or of the person entitled to the estate in respect of the non-resumption of particular villages assigned for maintenance or otherwise, nor the Inam Commissioner's proceedings, materially affect the weight of the evidence.

We conclude that Padamathoor is shown to be (apparently like other similar groups of villages in the Shevagunga zemindary) a palliaput imitable, and therefore held by one member of the family and descending on a single heir.

The decision of the Court below on the 7th issue is to this effect:—

The plaintiff claims the succession through his father Muthuvaduganatha. The defendants deny his legitimacy, and the 1st issue in the case is whether the plaintiff is the son of Muthuvaduganatha, the son of the acknowledged Istimirar Zemindar of Shevagunga. Upon this issue, evidence was given by members of the Zemindar's family and by others, both of the fact of a marriage celebrated with considerable ceremony, and that the plaintiff both before and after the accession of his father to the Shevagunga zemindary had always been treated by the Zemindar himself and by

others in a manner not different from his other children. This evidence fully satisfied the Subordinate Judge, and all that we find alleged against the decision is that in the family pedigree given in the course of litigation, which has from time to time occurred, the plaintiff's name has not found place, and that in an account of disbursements made to the relatives and servants of the Zemindar of Shevagunga from 1849 to 1854 by the guardian under the Court of Wards the amount allowed to Pacheathul, the mother of the plaintiff, is only ten rupees (Rs. 100 being allowed to Pichamanachiar, another widow), and that she is described as அனைஷ்ரீ anniashree—another woman—woman from another caste: the word used being the same as is used in referring to the admitted wife of the Zemindar.

The parties were both of the Sudra caste, the husband being of one part of the caste and the wife of another part or a sub-caste. Her condition in life before her marriage was much below his. The circumstances abovementioned may probably thus be sufficiently accounted for. However this may be, they are insufficient to counter-balance the direct evidence in favour of the plaintiff's legitimacy. We concur with the Subordinate Judge's finding on this issue.

The defendants not only denied the legitimacy of the plaintiff, but also asserted that Durai Pandien, the last proprietor, having left a widow Vellai Nachiar who is still alive, the right of suit is with her, and not with the plaintiff.

The Subordinate Judge regarding the suit not as raising any question between contending heirs, but as a suit brought to recover from stranger's family property unlawfully alienated by a member, held that the plaintiff might sue subject to any question between himself and others concerning the right to the inheritance. It appears to us that the right of Durai Pandien's widow, which was the only right urged in the Court below as prior to the plaintiff's, cannot be maintained, for the estate of Durai Pandien was not a separate acquisition by him, following the course of succession prescribed for separate estate, but an ancestral estate of the character already mentioned, the right to which would rest on his death without issue in the next collateral male heir of the undivided family in preference to the widow.

In the Court the defendants have urged a new ground of objection to the plaintiff's competency to sue which is said to arise on the plaintiff's deposition given in the suit. It is urged here that "there are preferential heirs to the estate who are descendants of an elder branch of the family." We find that the plaintiff in his cross-examination after mention of Muthu Ramalinga Shervai, the son of the Istimirar

Zemindar, whose legitimacy was questioned in the suit of 1823, says that his, the deponent's, elder brother had two sons (by a kept mistress), and that there are three grandsons of his still living. The enquiry was not so far as is shown fully pursued, nor was the Court asked to decide upon the matter; and the issue already noticed respecting the prior title of Durai Pandien's widow was alone tried and disposed of. A decision unfavorable to the defendants having been given, they now seek in appeal to bring forward for the first time an objection to the plaintiff's right to sue which they declined to urge in the Court below. We think they cannot fairly be permitted in this stage of the case to defeat the suit by such an objection. If there are other and nearer heirs, their rights will remain unaffected, and any decree to be now given may make reservation of such right.

The plaintiff for the purposes of the present suit may be regarded as entitled to the succession, and it is unnecessary to consider the arguments which were addressed to us and the subject of the course of descent of this property on the assumption that there were in existence descendants of his elder brother.

Issues were framed on the subject of the alleged relinquishment of Padamathoor by Muthuvaduganatha to his brother Muthusamy in 1829, and on the effect of that document (which was not in fact disputed) as in itself a bar to the suit, the Istimirar Zemindar having left no male issue; and also, in regard to the defence which was set up that the suit was barred by the Law of Limitation.

The appellant's contention on this part of the case we understand to be that the instrument of relinquishment precludes all claims on the part of Muthuvaduganatha's descendants, that the family can no longer be regarded as they admittedly were originally as a joint and undivided Hindoo family, and that under the terms of the Limitation Act XIV of 1859, the plaintiff's claim is barred, because Muthuvaduganatha and his descendants are not shown to have participated in the income or profits of Padamathoor since the year 1829. Although the fact of the division of the family in or before the year 1829 was alleged by the defendants in their written statement, no evidence of this was adduced, and it is only from the mode of enjoyment of the property and from the effect attributed to the instrument of relinquishment that this is inferred. We think it clear that the family must still be regarded as a joint Hindoo family, and that Muthuvaduganatha's renunciation of his right in 1829, whatever its operation on himself and his descendants in possession of the zemindary of Shevagunga, cannot operate further, and that upon the death of Durai Pandien without issue, the right of succession

which then opened to the members of this joint family was not affected by such renunciation. The words "we and our offspring shall have no interest in the said paliaput, but you alone shall be the Zamindar and rule and enjoy the same," must be construed with due regard to the person using them, and the occasion when they were used. They refer to the estate and rights of the new so-called Zamindar of Padamathoor and amount to a declaration that the paliaput shall be enjoyed by him exclusively, the Shevagunga Zamindar disclaiming any joint interest. They are not a release by the latter for himself and his heirs of all future rights of succession which might accrue to them as members of an undivided family. The possession of Padamathoor by Muthusami after this relinquishment cannot be regarded as a new and separate acquisition, and no question upon the Law of Limitation can arise between the different members of the joint family in respect of the property thus held by a single member.

Upon a wrongful alienation of the property to a stranger by the holder for the time being, and not before the question of limitation may arise, and under the sixth issue the defendants further contended that the suit was in this view barred.

The Law of Limitation which governs this suit is Act IX of 1871. According to the Clause 145 of the second Schedule of the Act, the time of limitation for a suit like the present (which has not otherwise been specially provided for) is twelve years from the time when the possession of the defendant or of some other person through whom he claims became adverse to the plaintiff. Several of the defendants in the three suits hold under mortgage titles, and as to these no question of limitation arises. In one instance only a title by purchase from Durai Pandien (of the village of Puvandy) in December 1860 is relied on, and as this was more than twelve years before the suit it is necessary to determine whether the possession of the purchaser Ponnusamy Thevar, through whom the appellants claim, became adverse to the plaintiff at that time. It must, we think, be held that Ponnusamy Thevar's possession of the village under his purchase from Durai Pandien first became adverse to those entitled to claim this village upon the death of Durai Pandien in November 1861, and not before, and that computing from the date of his death (7th November 1861), this suit is brought within the appointed period. The vendor was in the condition of the family the owner of the property (subject it may be to claim for maintenance in others), and was entitled to dispose of it for his own purposes to the extent of his life interest but not beyond.

Upon the issue of limitations and the connected issues our decision is in concurrence with that of the Subordinate Judge.

There remains for consideration the validity of the several defences set up under titles by mortgage and sale in bar of the plaintiff's claim.

This suit is, as has already been stated, in the nature of an ejectment suit brought by the plaintiff as heir of the last proprietor to recover the property from strangers, and notwithstanding the delay in bringing the suit of which no clear explanation has been offered beyond the suggestion of want of the necessary funds, the plaintiff is entitled to recover unless the defendants show that the several charges and alienations made by the late proprietor Durai Pandien were duly made by him so as to bind the estate.

As to the factum of each charge and alienation, there is no dispute, and the payments by the defendants have not been questioned by particular evidence. The contention on the plaintiff's part in the Court below was that the defendants failed to show that the estate was liable beyond the life of Durai Pandien, and the decision of the Subordinate Judge upon this was in the plaintiff's favor, the defendants having adduced no reliable evidence to support a charge against the estate. Former debts have been discharged, but there was no proof that such debts were themselves legal charges upon the estate, and it had been shown that only a small fraction of Rupees 5,000 remained undischarged of the debts of former proprietors at the date (1854) of one of the earliest of Durai Pandien's mortgages.

Upon the authority of a recent decision of the Privy Council it was urged on behalf of the defendants that in the circumstances they should not be put to the proof of a legal necessity for the creation of the charges; but the Subordinate Judge held, citing a decision of this Court, that the burden of proof that the debts were contracted fairly, and for family purposes still lay upon the defendants, and that they were bound to discharge it. The judgment (12th May 1874) of the Lords of the Judicial Committee of the Privy Council on the appeals of *Girdharan Lall v. Kuntoo Lall* and *Mudu Thakoor v. Kantoo Lall* is the Privy Council decision referred to by the Subordinate Judge. It was contended for the appellants that according to this decision the Subordinate Judge was in error in requiring from them evidence in support of their claim beyond that which they had given. Indeed, the appellants' arguments went the length of insisting as they had before done in their written statements that the late proprietor was by the Hindoo law fully competent to alienate and charge the estate as

he pleased, and that his acts could not be questioned by the next heir, but even if this were otherwise, they were relieved as the law now stood from the burthen of proving a necessity for the several charges and alienations.

The appellant's contention is, we think, based on a misapprehension of Durai Pandien's true position and powers and of the decisions cited.

At the time of the alienations, his ownership of Padamathoor did not resemble the ownership of the two sons of Kunhyall in the case cited in the property which had descended to them, and which they burdened with their debts, nor is the plaintiff here in the position of the plaintiffs in that case who sued in their father's life-time, and probably, as is stated, at his instigation "to turn out the *bonâ fide* purchaser who gave value for the estate."

Durai Pandien was a member of an undivided Hindoo family, subject to the law of the Mitakschara, and the estate held by him as representing the second branch of the family, although subject to the peculiar incidents which have been mentioned, and possessed by him free from present coparcenary rights in others was not entirely at his disposal for his own purposes. We think he should be regarded as possessing only the qualified powers of disposition of a member of a joint family with such further powers, or it may be with such restrictions as spring from the peculiar character of his ownership, and that these powers fall short of a right of absolute alienation of the estate.

If we are right in this it is to be seen whether, as the law stands, the appellants can justly object that they were subjected to the burthen of proving that the moneys advanced by them were advanced for necessary and proper purposes under circumstances which entitle them to claim a charge upon the estate.

The rule as stated by the Privy Council in the case reported in the 6th volume of Moore's *Hunooman Persad v. Massoomat Baboor Munra Kunwaries*, Indian Appeals has not, so far as we are aware, been departed from, and is applicable here although the alienations are by a member of a joint family, not by a manager.

"Their lordships think that the question on whom does the *onus* of proof lie in such suits as the present is one not capable of a general and inflexible answer. The presumption proper to be made will vary with circumstances, and must be regulated by and dependent on them."

Of the dictum there quoted to the effect that if the factum of a deed of charge be established,

and the fact of advance be proved, the presumption of law is *prima facie* to support the charge, and the onus of disproving it rests on the heir—it is observed that it "must be read in connection with the facts of that case. It might be a very correct course to adopt with reference to suits of that particular character, which was one where the sons of a living father were, with his suspected collusion, attempting, in a suit against a creditor, to get rid of the charge on an ancestral estate created by the father on the ground of the alleged misconduct of the father in extravagant waste of the estate."

The latter judgment of the Privy Council was pronounced in a suit of this particular character with the difference that the defendants in the suits were *bonâ fide* purchasers of property sold or attached, and about to be sold in execution of decrees in contested suits in which the creditors' claim had been established against their debts.

Whether the appellants in this case can claim to be regarded as *bonâ fide* purchasers, or are otherwise entitled to any relaxation of the rules of proof in favor of their claims, will appear on a statement of the circumstances in which these claims are founded. Whatever presumption may arise unfavorable to the respondent in consequence of the long delay in the institution of the suit, it cannot be said that the respondent (the plaintiff), is here seeking to get rid of charges on ancestral property at the instance of or in collusion with the person by whom they were made.

The appellants claim the four villages of Padamathoor, Puvandy, Yenady, and Kannariruppa by distinct titles.

Two of these villages (Puvandy and Yenady) like the three villages of Arasanoor, Pappagudy, and Kanakkangudy, claimed in the other suits, were so far back as the year 1827 charged with the sums amounting to Rupees 23,000 for purposes connected with the family benefit, and from the Sudr Court's decision in Appeal Suits 3 and 4 of 1839, it appears that a balance on account of principal and interest of 38,820 Rupees was then due which the plaintiffs were declared entitled to receive from the five villages mentioned.

In 1854 a balance of Rupees 5,487 remained due under this decree, for which, together with other sums then alleged to be due under decrees obtained in subsequent suits, the two villages of Puvandy and Padamathoor were under a compromise arrangement made in a suit mortgaged to the decree-holders for a period of ten years, the usufruct being given in lieu of interest.

In November 1860 Durai Pandien being in prison (it is recited in the deed evidencing the charge) for the amount of a decree then recently

obtained borrowed from Ponnusamy Thevar a sum of 50,000 Rupees for this and other purposes (including 5,480 Rupees alleged to be paid on account of the sums borrowed by Durai Pandien for his household expenses), and therewith it is stated discharged the amounts of this and other decrees (including the balance due under the decree of the Sadr Court); receiving from the mortgagees an assignment of the village of Puvandy according to the terms of the compromise of 1854 under which it had been acquired. In the following month Ponnusamy Thevar purchased the village from Durai Pandien for the sum of 100,000 Rupees, of which 13,500 Rupees is in the deed stated to have been received in cash. The mortgagees had then been in possession of the two villages since 1854, and by the law in force were accountable for their receipts from the mortgaged property. The appellants rely on this purchase, and the payments made to Durai Pandien and his creditors. To the extent to which the original charge remained unsatisfied in 1860, when the advance by Ponnusamy Thevar was made, he and his representatives would be entitled to support a claim against the estate. Of the old debt only Rupees 5,487 remained due in 1854, and the mortgagees having had on account of this and other claims the usufruct of both villages for six years, it may be assumed that no larger sum was due in 1860.

Except as to this sum, we have no evidence to explain the expenditure beyond the alleged fact that it was in satisfaction of the decrees already referred to, and of other decrees vaguely mentioned in the purchase deed. The first payment of 50,000 Rupees procured, it is said, Durai Pandien's discharge from prison, and a portion of this (5,480 Rupees) with the sum of 13,500 Rupees already mentioned are represented to have been paid to Durai Pandien in cash or for his household expenses.

It is to the documents showing these transactions that the defendants refer in the 5th paragraph of their written statement, where they say that "for a considerable time prior to such sale, the said village was in the possession of certain Chetties by virtue of mortgages, razinamahs, and decrees for debts incurred by the said Muthuvaduga Thevar and Muthusamy and the said Oyya Thevar. The encumbrances on the said village amounted to about 86,000 Rupees, which sum was paid by Ponnusamy Thevar to the creditors shortly before the sale of the village to Ponnusamy Thevar."

The defendants, without expressly relying on the defence that there was a *bona fide* purchase for value without notice by Ponnusamy, sought to support the purchase by allegations not only that these were old pre-existing debts of ancestors not before question-

ed, which were satisfied by the purchaser, but also as the recitals in the purchase deed and prior documents are apparently meant to show that the pressure on the estate or on the late proprietor at the time of the discharge of the debts was such as to justify the payments made in good faith by Ponnusamy.

The condition and character of the vendor at that time, and for many years before that time is beyond dispute, and is thus described in one of the appellant's Exhibits which was read: "It is well known in the history of litigation in this district, that the late Zemindar of Padamthoor was, as the phrase is, head over ears in debt, and that he was in the habit of mortgaging and hypothecating over and over again every scrap of land he could lay claim to." According to one of the plaintiff's witnesses, "he would take 400 or 500 Rupees from the Chetties and grant them documents for large amounts." A witness for the defendants says, "I do not remember whether it was the custom of the Zemindar to receive 1,000 Rupees and grant documents for 10,000 Rupees or not. It is true he granted documents in that manner to some people." Without attaching undue weight to either of these two witnesses' evidence, we have here a concurrence of testimony on both sides to the reckless extravagance of Durai Pandien.

A principal creditor in the transaction which immediately preceded the sale was Narrain Chetty, his ancestors (the plaintiffs in the suit brought in 1837) had long had money lending transactions with the family. These persons and Ponnusamy Thevar were residents in the district. The name of Ponnusamy Thevar is prominent in the family litigation, which for many years had taken place. Connected with the family, he was admittedly well acquainted with its affairs. He himself occupied for many years some place of trust or management in the Ramnad zemindary. It is not disputed that in the position of these parties the inference may justly be drawn that Ponnusamy Thevar in his dealings with the late proprietor cannot be regarded as a stranger without knowledge of his true position and of his antecedents and circumstances. By the mention of mortgages, razinamahs, and decrees in the written statement and the purchase deed and elsewhere, it is intended, we understand, to assert that the advances made were upon securities which had formed the subject of suits, and had been substantiated in a Court of Justice. No doubt, in some instances there had been, as in the suit brought in 1829 against Muthuvaduga, Muthusamy and Chinna Sami, adjudications in contested suits, but the general character of the transactions between Durai Pandien and his creditors, notwithstanding the intervention of decrees of Courts, was, it is admitted on all sides, very

different from that which is suggested. Ordinarily the so-called decree was merely a mode of recording formally a previous compromise arrangement (usually also hypothecating property mentioned therein), the terms of which being embodied in an application made by the parties, were filed by leave of the Court. No formal order or decree was subsequently drawn up, but in accordance with an irregular practice which formerly prevailed in this and some other districts, process of execution was sometimes applied for and issued as if upon a formal decree to enforce the rights of the parties to the compromise.

Such being admittedly the general character of these razinamah arrangements, it cannot, we conceive, be said that the advances alleged to have been made by Narrain Chetty and others, are in any way substantiated by such proceedings.

The existence of old unquestioned debts of Muthuvaduga and Muthusamy has not been shown by trustworthy evidence, except in the single instance of the Sadr Court decree for the satisfaction of which both the Zemindar of Shevagunga and the owner of Padamathoor were liable; and we find no reason to differ from the Subordinate Judge's conclusion that of the ancestral debts, and particularly of this decree, only a small portion (5,480 Rupees) remained undischarged in 1854 at the date of the usufructuary mortgage. There is certainly some oral evidence showing ancestral debts, but it is of a description which without further corroboration than it has received, we could not safely receive to charge the estate.

Durai Pandien succeeded to the property on his father's death in 1835, more than 10 years before the date of the first of the razinamah decrees mentioned in the deed of sale, and it cannot be assumed that the sums mentioned in these documents were sums advanced to his ancestors. If, like the sum of 18,500 Rupees mentioned in the purchase deed and other like sums they were in truth advanced to him or on his behalf, such advances cannot without further proof in this case sustain a charge on the property. In respect only of the sum of 5,480 Rupees due under the Sadr Court's decree has any ground been shown, and as to this, even admitting that on adjustment of the mortgage accounts (on the lowest estimate of the annual proceeds of this village) anything remained due, the amount would not be such as to justify a sale of the property. If the advances were not otherwise binding on the estate, the additional facts alleged in the purchase deed, and the previous document of Durai Pandien's release from jail, and of his protection from arrest by means of the moneys paid by Ponnusamy Thevar, could be of no avail to the latter, who was, we are satis-

fied, well aware of Durai Pandien's previous career of extravagant waste.

The estate which he inherited was, as is apparent from this litigation, one of considerable value, and we cannot presume in the appellant's favor in the absence of trustworthy evidence, that the income fell short in amount of what was reasonably sufficient for the maintenance of the surviving members of this branch of the family.

If the late proprietor possessed by Hindu Law only a limited and qualified power of disposition, his acts of waste resulting in the alienation of the whole estate cannot be regarded as valid charges and alienations on such proof as has been here given. The devices of razinamah decrees and of process of execution issued thereon against his property and person can give no support to loan transactions otherwise not established as valid charges on the estate. To hold otherwise would be apparently to place ancestral property completely at the disposal of any prodigal owner of the character of Durai Pandien.

The village of Padamathoor is said to have been mortgaged by Durai Pandien "to Udayappa Chetty and certain other Chetties," from whom Ponnusamy Thevar took an assignment. Udayappa Chetty having in respect of the amount due by Durai Pandien on a bond for 7,475 Rupees obtained a decree and being himself the assignee of other "razinamah decrees" against Durai Pandien charging this village, transferred his interest to Ponnusamy Thevar in the year 1868.

Dada Miya, the eighth defendant in this suit (the assignee of another creditor), having a similar charge, sued Durai Pandien's widow as his representative, and in execution of the decree obtained in the suit, sold and himself became the purchaser of the equity of redemption (as it is stated in the written statement) in the village which he has since assigned to the appellants to secure a sum of Rupees 4,825.

We have, respecting this village, no evidence beyond the fact that the appellants are shown to stand in the place of Udayappa Chetty and others who had in former years advanced moneys to Durai Pandien, and (in one instance) to his wife; and who had obtained securities of the description already mentioned. Further, the appellants or Dada Miya have acquired whatever interest may have passed upon the sale in execution of the decree obtained against Durai Pandien's widow. Upon this evidence, we cannot hold that the debt is a charge upon the village as against the present plaintiff.

The village of Yenadi is in the written statement said to have been mortgaged at different times to Mangalashwara Nachiar and others. In January 1856 1-16th of the village which

under a razinamah decree had been mortgaged to the plaintiff in a suit (No. 11 of 1853) brought against Durai Pandien for a sum of Rupees 1,688, was transferred to Mangalashwara Nachiar, wife of one Pula Thevar, residing at Rammad. In August 1867 Ponnusamy Thevar, on payment of a decree of 4,800 Rupees, received quarter of the village from Muthu Chetty, who is described as having obtained a transfer of Mangalashwara Nachiar's mortgage interest. Previously in 1859, Ponnusamy Thevar had obtained from other persons a transfer of their interest in a mortgage for a term of ten years of one half of this village on payment of 13,743 Rupees. The purchase by him of the equity of redemption in this village was in March 1866, when in execution of a decree obtained by creditors against Durai Pandien (Suit No. 1 of 1859 in the Civil Court of Madura) in his life-time [his widow alone being then described as his representative] his rights and interests in the village were offered for sale, and Ponnusamy Thevar became the purchaser.

Admitting the fact that Ponnusamy Thevar paid former debts and took assignments of the securities, this alone is not sufficient to enable him to claim a charge on the village against the plaintiff.

As to the purchase of the equity of redemption, it is not shown that the decree in the Suit No. 1 of 1859 differed in any respect from the razinamah decrees obtained by other creditors, nor is it explained how proceedings in execution having been against Durai Pandien's widow alone as his representative, the property now in question could be affected. Even assuming the decree to have been one whereby the claim of the creditors was substantiated, the proceedings in execution could not be effectual to pass to the purchaser any right or interest in the village.

The village of Kannariruppu, the equity of redemption of which is said to have been purchased in 1866, is stated like Yanadi to have been mortgaged at different times to persons whose mortgages were afterwards redeemed. The evidence in respect to this village does not carry the case in support of the charge further than in the case of Yanadi.

We are of opinion that the appellants have failed as to the four villages to show that they are entitled as purchasers or mortgagees to withhold from the respondent the ancestral estate which he has inherited.

We shall affirm the judgment of the Subordinate Judge, and dismiss the appeal with costs.

R. A. 83 of 1857.

Ramasamy Chetty and three others are the

appellants. The suit was brought then for the recovery of Arasanoor and Pappagundy, two villages of the palliaptt of Padamathoor, and was in all other respects like the suit brought by the plaintiff against Ponnusamy Thevar's representatives. The appellants claimed to be mortgagees of these villages, and purchasers of the equity of redemption.

These villages, with three others, were in 1827 mortgaged to or charged in favor of the father of Ramanadan Chetty and Latchmanan Chetty, and by a decree of the Sudr Court made in 1839 this charge was established, and the amount due in respect of it was ascertained to be 38,820 Rupees. In 1854 this amount having been, in great part, satisfied, Narrain Chetty representing the persons above named, obtained a fresh security for the sum of 5,487 Rupees, the balance then remaining due, and for other moneys alleged to be then due from Durai Pandien. The villages of Puvandy and Padamathoor were mortgaged to him for ten years to secure the sum of 48,874 Rupees, being the amount then ascertained to be due to him.

The two villages now in question were about the same time mortgaged for ten years to Arunachella Chetty, the appellant's father, to secure a sum of Rupees 17,692, said to be due under a decree in a suit (Original Suit No. 1 of 1852) on the file of Udalut Court of Madura, and another decree of the Subordinate Court. Having obtained a transfer of the decrees, an arrangement by way of compromise was made to the above effect and filed in Court. It was thereby stipulated that Arunachella Chetty should receive the usufruct in lieu of interest for the term of mortgage, and that on non-payment of the principal sum, the amount should be recovered "through process of the Court" from the two villages and the defendant's other property. According to the written statement, these villages were under the two razinamahs filed in the Civil Court on the 3rd February 1860, "mortgaged to first defendant's father by the said Oyya Thevar alias Gouri Vallabha Thevar for Rupees 128,133-13-8. Shortly before the date mentioned, an arrangement similar to that already noticed was made and filed in Court, which, after referring to the compromise of 1854 and to several razinamahs in suits brought in the three previous years, and ascertaining an amount of 106,928 Rupees to be due for principal and interest, provided for an extension of the mortgage terms for three years. In the event (it was stipulated) of any obstruction at any time henceforward as to the enjoyment of the two villages under mortgage," Arunachella Chetty was declared entitled to recover "by means of a precept of the Court the principal and interest on the responsibility of the villages and of the defendant's other property."

About the same time, another like arrangement was made and filed relating to a sum of 21,205 Rupees.

Under these arrangements, Arunachella Chetty was entitled, subject to an adjustment of accounts under Regulation XXXIV of 1802, Section 9, to hold the village during the mortgage, and under a practice then prevailing; process of execution would have been issued on his application against the villages and against the debtor's other property.

The appellants also claim to be purchasers (in the name of Ramiengar the 4th appellant) of the villages at a sale in execution of a decree obtained in 1866 by one Meenakshi Ammal against Vellai Nachiar *alias* Kanaka Nachiar, the widow of Durai Pandien.

The plaintiff in that suit had obtained in 1859 a decree by consent or after compromise against Durai Pandien for a balance of 870 Rupees due on account of a bond given for 1,559 Rupees. The terms of the compromise provided for a payment of this sum in two months, and on failure, for the levy of the amount by Court precept from all the resources of the defendant's zemindary. Five years after her husband's death, a suit was brought against Vellai Nachiar for 2,358 Rupees said to be due under this compromise, and the defendant not appearing, the Court gave a decree for the amount. In the judgment, though not in the decree, the defendant is described as the legal representative of Durai Pandien. In execution of this decree, the right, title and interest of Vellai Nachiar (the widow of the deceased Zemindar Durai Pandien) in the village was sold to the appellants.

As upon Durai Pandien's death his widow beyond her right to maintenance derived no interest in the property, and in regard to it was not her husband's representative, it cannot, we conceive, be held that by this sale any further right passed to the appellants. Whatever claim they may now have, must rest upon the mortgage title advanced by them. In support of this, we have at the most evidence of sums advanced to the late proprietor, and secured in the manner we have stated. So far as the advances made by Arunachella Chetty or his father can be traced, they may be regarded as advances made to Durai Pandien. The profits

of the villages were adequate to the discharge of encumbrances of an earlier date. Durai Pandien was not authorized to sell the estate, or to raise money, or incur debts for his own extravagant purposes and without limit. Notwithstanding the long delay on the plaintiff's part, he is entitled to require from the defendants further evidence than they have given in support of their charge, and in the absence of such evidence we hold that the Court below has rightly decided that the plaintiff was entitled to a decree.

This appeal will be dismissed with costs.

#### R. A. 84 of 1875.

Kosalaram Pillay and Vasudeva Pillay, who are the appellants in Regular Appeal No. 84 of 1875, purchased the village of Kanakkangudi, one of the villages of the palliapat of Padamathoor, from one Fischer, on 7th September 1864.

In their written statement, they merely mention the fact of purchase. They have not either in allegation or in evidence put forward anything in the nature of a defence to the effect that they are *bona fide* purchasers without notice for a valuable consideration, although the fact that Fischer received from them the purchase-money mentioned is not disputed.

The appellants must, we think, be regarded as occupying the place of Fischer, and it is necessary to ascertain what his position was before the sale by him.

His title commenced in 1854, when three compromise arrangements of the kind already described were filed in Court on behalf of himself and the late proprietor of Padamathoor, purporting to charge for Fischer's security different portions of the village. These all bore date the 17th day of October 1854, and were respectively made to secure payment of the sum of Rupees 700,06,750, and 3,250, the two latter sums being due to Fischer for money lent.

Under these raziuamah decrees Fischer entered into possession, which he was entitled to do by the terms of the arrangements according to which a power of sale (by Court process) was given to him on non-payment of the money after four years. On the expiration of this

time, Fischer caused the village to be sold in execution of the decrees.

The debt for 7,000 Rupees to which the first of these decrees relates arose thus—

Fischer obtained by purchase and transfer from the plaintiff in an old suit (which had been decided by the Sudr Court ultimately, the appeal being then numbered 23 of 1844) a decree for a sum of 3,910 Rupees, which, with interest, is computed at the time of the compromise to amount to 7,000 Rupees. This suit was brought against Vijayalakshmi Nachiar, the mother of the late proprietor of Padamathoor, who had, according to the recital in the compromise of 1854, undertaken to pay the "transfer plaintiff" Fischer the sum of 7,000 Rupees then ascertained to be due.

In regard to this decree, Fischer, as the transferee, must be considered as in effect the holder of the decree in the same sense and with the same right as the original plaintiff, except in so far as the arrangement of 1854 may have strengthened his claim.

Upon these three decrees process of execution having issued on the application of Fischer in January 1859, the right, title, and interest of Durai Pandien in the property was attached and sold, Fischer himself becoming the purchaser. It is upon the title thus obtained by Fischer that the appellants rely. No evidence was adduced by them to show under what circumstances Fischer's advances were made, and that they were secured by the razinama decrees are alone relied on, and they are insufficient to support the charge. The debt undertaken by Durai Pandien in respect of the decree obtained against his mother could not by such undertaking become a charge upon the village. The subsequent purchase by Fischer himself in execution of his own decrees, we conceive in no way varied or strengthened the claim of Fischer against the property.

No debt or claim affecting the property having been shown, the plaintiff was rightly held to be entitled to a decree. We shall affirm the judgment, and dismiss this appeal with costs.

## OFFICIAL PAPER.

### COLAIR LAKE IRRIGATION.

*Proceedings of the Madras Government, Revenue Department, 17th January 1876.*

Read the following Proceedings of the Board of Revenue, dated 2nd November 1875, No. 3,023 :—

Read the following letter from H. NEWMAN, Esq., Acting Collector of the Kistna District, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Masulipatam, 28th September 1875, No. 1,258.

I HAVE the honor to reply to Board's Proceedings No. 3,260, dated 12th November 1874.

2. I am of opinion that the proposal in Colonel Mullins's memorandum to lower the level of the Colair Lake as much as possible is the best that can be made in regard to it.

3. The dalwa cultivation is not\* very extensive, and, except since

\* The average revenue derived from dalwa the breach in the bund was filled in, as crop from Fusly 1275 Colonel Mullins to Fusly 1284, was says with some difficulty, there had been no return from it since Fusly 1277, when the breach was cut by Mr. Thornhill, then Collector.

4. It was replaced by Mr. Leman merely as a temporary measure, and to assist the ryots who had suffered much in that year by the overflow of the lake and the Budamair.

5. Colonel Mullins is quite correct in saying dalwa is not a crop to be encouraged, as it is only a second crop; in fact, it is only cultivated because the circumstances of the locality preclude any other cultivation. The land so cultivated is submerged when the lake is full. If the lake does not fill, no dalwa cultivation and no ordinary wet cultivation can be made, for the ryot cannot afford the cost of raising the water sufficiently. If the lake fills the waters do not subside sufficiently for cultivation till November or December, and then it is too late for any but this three months' dalwa wet cultivation. If it be drained so that the level of the lake-water is seldom above sea high water-level, then a large tract of land will be made capable of cultivation, and will, I have no doubt, be taken for dry crops until the channels designed to irrigate the adjacent lands are complete.

6. The method of dealing with the lake has been advocated by many Engineering and Revenue Officers, whose opinions have been recorded.

7. As the Board observe, there is much cholum land in the Davaracota Zemindary, for

which irrigation will never be taken, and the extent of land which is fit for no other than wet cultivation has been roughly estimated at 3,000 Acres.

8. To the question whether the wet assessment prevents the occasional cultivation of dry crops in the Divi Pargana, I have to reply in the negative, for the present rule is that when water fails the ryots who utilize their wet lands for dry cultivation are to be charged dry assessment only.

9. The chief reasons why the ryots do not avail themselves of this privilege are that the wet fields are of a stiff soil, difficult to plough unless the land is soaked with water, and being small it is not convenient to run the long furrow suitable for dry crops, and the ryots have a notion that wet fields used for dry crops will not give a good outturn wet to the cultivation of the succeeding year, and that such soil is not fit for, and will not produce, a good dry crop when the endeavor is made, and that it has not ever been customary here to raise a dry crop in wet lands.

10. There is another probable reason, which is that they cannot commence the dry cultivation till all chance of the tanks filling is over, i.e., till after September or October; for if water came to the tank after all they would be charged water-tax in addition to the land assessment, and therefore there is only time for one late dry crop, and, as they are charged the full dry rate and are afraid of the crop not turning out well, they prefer to make sure of their claim to remission, and avoid the chance of loss by a crop that may not pay the assessment.

11. I think it might perhaps be worthwhile to lower the charge, and ask only two-thirds the dry rate. This might induce ryots to attempt to cultivate the ayaunt with dry crops and for fodder in the event of a failure in the supply of water.

12. It would be a very good thing to encourage, and, as the present usual practice of leaving the whole ayaunt waste had doubtless its origin in the charge of wet rates which was formerly made, and which rendered the cultivation of fodder impossible, it may be that as soon as it might come to be generally known that two-thirds of the dry rate only was charged in the event of there being no irrigation the old custom of leaving the fields waste might come to be abandoned.

This letter contains the replies of the Acting Collector of the Kistna District to the points referred to him for report in Board's Proceedings, dated 12th November 1874, No. 3,260.

2. 1st.—As to the treatment of the Colair Lake—

Paragraphs 36 to 40 of Colonel Mullins's memorandum of 7th

Proceedings of Government, dated 29th September 1874, No. 2,732, Public Works Department.

Board's Proceedings, No. 4,081, dated 2nd July 1864.

May 1874 are devoted to the consideration of this subject, and he points out that it is desirable that it should be determined in what way this great basin should be treated. This ques-

tion was fully discussed in 1864 and in subsequent years. There has been a very general consensus of opinion that the first requisite in dealing with this great sheet of water is to reduce the level of the water to the lowest possible point.

3. Colonel Mullins is clearly of the same opinion, and the Acting Collector fully supports it. The only argument against it is that a certain precarious hot-

\* Called Dalwa. weather cultivation will be lost thereby.

4. The Acting Collector shows that the average revenue from this is only 7,000 Rupees, and it is so uncertain and spasmodic in its nature, that no one will be seriously injured by its loss. The lands are not held on putta, and no compensation will be due to any one if it is abandoned.

5. The advantages to be gained by draining the lake are that a large area of land now submerged will be made available for cultivation or for pasture, and that the drainage of the surrounding lands will be greatly improved.

6. It is probable that there will not be sufficient water available from the Godavery and Kistna channels for some years to provide irrigation for all the land laid bare, but it is expected that much of it will grow dry crops; at all events, the best mode of disposing of it can be best determined when it is drained. Colonel Mullins proposes two alternative plans for draining—the one is to enlarge the opening and allow the water to run freely to the sea through the Upputér, in doing which it must be remembered that a road will be given for the flow of the tide into the lake, the bed of which is below high water-level.

7. The other plan is to extend the existing calingulah to a length of about 1,000 feet, and to provide it with self-acting sluices 4½ or 5 feet below the crown: by this means Colonel Mullins points out that the depth of water would be considerably lowered even during the rains, and that after the freshes had subsided it would have the effect of keeping the water at eighteen inches or two feet lower than if the tide were allowed to flow into it.

8. The Board very strongly recommend that the latter alternative be adopted: it will hy-

bare far more land for eventual cultivation, and, what is of much greater importance, it will have a far greater influence on the drainage of the surrounding tracts which are now often hopelessly flooded.

9. 2nd.—As to irrigation of lands under the bank channel in Zemindaries—

In treating of the extension of the canal along the eastern bank of the Kistna, Colonel Mullins points out that its eventual object will be to supply irrigation to the island of Divi, but that in its course it will pass chiefly through Zemindary lands, and that the demand for water in them is so limited, that it will not be worthwhile to make provision for their irrigation.

10. A great deal of the land traversed by the canal is so valuable for the growth of cholam and other dry crops, that irrigation will probably never be demanded for it, but much land is suitable for irrigation, and the Acting Collector says that about 3,000 Acres are reported as unfit for anything but wet cultivation. The Board have no doubt that eventually water will be taken for all lands suited for irrigation, but it may be some years before the demand arises. They are of opinion that provision should be made accordingly in planning the main channel, but that no subsidiary works should be undertaken till they are actually called for.

3rd.—As to the cultivation of dry crops in wet lands in Divi—

Colonel Mullins having observed that all the wet lands in Divi on the occasion of his visit were left waste owing to a failure in the supply of water to their tanks, inquired if there was anything in the rules of assessment which deterred ryots from so

Proceedings, dated cultivating them. 12th November 1874, The Board pointed out that under Standing Order No. 17 of

1873 ryots are only charged dry rates when cultivating dry crops in wet land, so that there was nothing in the rules to prevent them from doing so. The Acting

Paragraphs 9, 10, and 11. Collector now adds that the wet fields are

not generally suitable for any culture; that the preparation for wet crops unfits them for dry grains and *vice versa*, and moreover, that it has never been customary to raise dry crops in wet land: he also says that ryots wait till the last in hopes of getting water for wet crops, and that then it is too late to fully utilize the land for dry culture, and he suggests that some good might be done by allowing a still lower rate of assessment for lands cultivated with dry crops. The Board do

not consider that any good would be gained by a further reduction of assessment; if people were otherwise disposed to grow dry crops, they will not be deterred by the highest dry rate. There is much force in the reason given by the Acting Collector in paragraphs 9 and 10, and the Board would leave the ryots to do as they please in the matter. Mr. Newman has omitted to mention that they always cultivate dry crops in the beds of their tanks, which are very extensive, after the water has been drawn off, and that the fertility of the lands being great they invariably secure good returns.

(A true Copy and Extract.)

(Signed) H. E. STOKES,  
Acting Secretary.

Order thereon, 17th January 1876, No. 71.

Communicated to the Public Works Department in continuation of Proceedings, dated 30th November 1874, No. 1,464.

2. The Government accept the conclusions and recommendations of the Board, i. e.—

(1) That the Colair Lake should be drained to the lowest possible level by the second of the two alternative means suggested by the Chief Engineer for Irrigation, viz., the extension of the existing calungulah;

(2) That in planning the main channel under the bank canal project, Eastern Delta, provision should be made for the irrigation of about 3,000 acres in its course through Zemindary tracts; no subsidiary works, however, being undertaken until they are actually called for; and

(3) That nothing is needed on the part of the Revenue Department to encourage the ryots to cultivate dry crops in the Divi Parganah when the supply of water to their tanks fails.

3. On the first question, it has been shown conclusively, that the loss of an average annual revenue of Rs. 7,000 now obtained from the precarious dalwa or hot weather cultivation on the margins and islands of the lake, will be abundantly compensated by a large area now submerged becoming available for cultivation or for pasture. It may be some years before all the land laid bare is placed within the reach of the Godaverry and Kistna channels; but dry crops, which will be grown in the mean time, will go far to make up for the present loss, and there will, above all, be the great advantage of ensuring free and unobstructed drainage for large and valuable delta tracts.

4. On the second question, it is to be observed that the chief object of the bank

canal is, as pointed out by Lieutenant-Colonel Mullins, to benefit the island of Divi, in which it is expected that some 45,000 acres will be irrigated. Under the present uncertainty, therefore, as to what extent irrigation will be sought for the intervening Zemindary lands, the Board's suggestion seems to be the only eligible one.

5. On the third question referred for consideration in the Revenue Department as pointed out by the Board, the ryots are free to cultivate dry crops, paying only dry assessment. The fact is, the feasibility of a temporary change from wet to dry cultivation depends upon conditions irrespective of the Government demand.

(True Extract.)

(Signed) W. HUDESTON,  
*Chief Secretary.*

#### MISCELLANEOUS.

#### THE BEST METHOD OF LAYING OUT AND WORKING SALT-PANS.\*

I HAVE the honor to inform you that, in accordance with Board's Proceedings, dated 17th October 1874, No. 3,021, after selecting sites for salt manufacture in Malabar and Canara, I proceeded to Eunore to lay out model salt-pans on a small scale for the information and guidance of the West Coast Salt Deputy Collectors. To enable these officers to contrast the French and improved native systems, I prepared a small modified native ullum on a plot of land close to where Mr. Cammiade was arranging his salt works on the French model under my instructions.

2. These two works were begun too late in the season—in April and May—to furnish satisfactory economic results, but they afforded reliable indications of a most encouraging kind, and many additions to our practical knowledge of salt manufacture were made during their construction and use. The special object which the Board had in view was also attained. The Salt Deputy Collectors of the West Coast, though coming after the close of the season, saw how salt is made on a large scale in Europe, and how in the native and improved native ullums.

3. It is my intention to embody in this report the practical information resulting from this and previous years' work, especially with

a view to assist the Deputy Collectors or others who may lay out and work the extensive and important salt-pans which are to be opened for the supply of Malabar and Canara, or which may be opened, elsewhere, hereafter.

4. In setting out salt-pans, having ascertained that the soil is good, that it is capable of being thoroughly drained in wet weather, and that a permanent source of brine at least  $2^{\circ}$  Beaumé in density is at hand, the first thing to do is to cast about for a brine reservoir, if one can be had. It often happens that an arm of an estuary, an inlet or a silted basin, can be banked off and isolated so as to form a reservoir of strong brine. It will make an enormous difference in the produce of the salt-pans if this can be done early in the season. This year Mr. Cammiade succeeded, by enclosing a small branch of the Ennore estuary at a trifling cost, in raising his brine supply from  $2^{\circ}$  to  $6^{\circ}$  Beaumé in the course of three months. Brine at  $6^{\circ}$  Beaumé contains three times as much salt as at  $2^{\circ}$  Beaumé, and three times the amount can be manufactured from it in an equal time.

5. The next step is to protect the site from inundation by surrounding it with a sufficient embankment. It is impossible to state here exactly what amount of embankment will meet the various requirements of different localities. The object is to protect the works from the highest floods which may threaten them. In the south of France the salins I visited were protected beyond the level of the highest flood there recorded, and I would strongly recommend this precaution of a scientific and practical people for general adoption. The earth used in the formation of the embankment is usually taken in such a way as to excavate a canal surrounding the works, and this canal, which is very generally used for storing brine, is cut within the embankment, or rather the earth for the embankment is thrown up on its outer edge. It is most important to press forward this work, having regard to the short duration of the manufacturing season. It will be most rapidly completed if given out in short sections to different contractors, the contract specifying the date of completion. These works should always be carried out in consultation with an Engineer.

6. Having plotted out the embankments &c., and set the contractors to work, next study the levels, for brine has to be conveyed from the condensers to the salt-beds and drained off from the latter, and unless advantage is taken of natural slopes, the necessary fall for the flow of brine must be provided for by artificial means. The levels can be accurately ascertained on a small scale, as in native ullums, by flooding the site, watching the flow of brine, and taking its depth at intervals; but as it is to be hoped that the native system of manufac-

\* Report addressed to the Sub-Secretary, Board of Revenue, Madras, by Surgeon J. J. L. Rattou, M.D., dated 15th November 1875.

ture will not obtain a footing in new sites, they should be accurately levelled by a competent Engineer.

7. Next mark out at the lowest level a portion of ground equal to one-fourth of the whole area for the salt crystallising beds. In districts having very hot and dry climates, such as South Tanjore, Madura, and Tinnevelly, the proportion of crystallising to condensing surface proper will have to be much larger. In Tinnevelly, for instance, the proportions given might be reversed with advantage, but on the West Coast that stated will be found the most suitable. Where, however, a condensing reservoir, as described at paragraph 4, or brine-pits are established, the condensing surface of the works will have to be in time reduced, and the crystallising area proportionately increased to carry off the accelerated produce of salt. Other circumstances modifying the relative areas of beds and condensers will be found treated of at paragraph 36.

8. It will sometimes happen that the lowest part of the site is the furthest from the road, rail, or river, &c., destined to carry the salt into circulation. In such a case it will become a question of expense whether to carry the road, canal, &c., as the case may be, to the lowest level, or to excavate a still lower level for the salt-beds adjacent to the traffic highway. Generally speaking, it will be found cheaper and more convenient to adopt the first alternative.

9. A site for the salt-platform or platforms must now be selected between the crystallising beds and traffic route, or somehow in convenient juxtaposition to both, remembering that the removal of salt to the store-platforms is one of the greatest labors in salt manufacture, and a source of heavy expenditure exactly in proportion to the distance to be traversed. The requisite area for the salt-platforms may be found by calculating that the yield of salt will be three garce per acre of the whole salt work per crystallising month, and crystallisation begins about the end of the first month of the working season, the duration of which differs in different parts of the Presidency. The platform should be of such a height as to raise the salt itself above the highest floods.

10. Having roughly plotted out the area and position of the beds and platforms, the next point is to consider the number and position of the condensers. These must never be formed on any preconceived theoretical design, however nice, but must form themselves in following the natural undulations of the soil. The first condenser is placed at the highest elevation, and as the brine flows from thence to the salt-beds, the intervening area must be intersected with clay ridges or bunds in such a manner that the brine shall be made to flow

over the whole space, and shall not, if possible, exceed three or four inches in depth any where. Slight irregularities of surface need not, as a rule, be attended to, as long as the average depth of the condensers does not exceed three inches, but small projecting hillocks should be thrown down, and all vegetation cleared away. In a large salt work the condensers should not be less than twelve in number, but it will be seen from the foregoing that they may be much more numerous, and with advantage.

11. The next step is to bring the brine from its source to the first condenser. Should the first condenser happen to be on the bank of the estuary or other brine source, nothing need be done except provide and arrange the necessary pumping machinery; but should it, as is more often the case, be a long way off, a canal or an aqueduct will be required to convey the brine to it. Whether to prefer a canal or an aqueduct for this purpose is again a question of expenditure depending on the levels. If the banks of the estuary are so low that but little cutting would be required to form a canal, a canal would be preferable; but if, on the other hand, they are so high that the formation of a canal would be a very expensive work, it would be cheaper to pump up the brine at once to a high level, and convey it in an aqueduct to the condenser. I prefer a canal with sluice-gates, where practicable, because the brine used is almost invariably taken from an estuary, in which, owing to rains, tides, &c., it fluctuates in density, so that at times it is well suited and at other times unsuited to salt manufacture. A canal provided with a sluice-gate would catch the best brine and store it up for use, and so render the salt works somewhat independent and self-supporting. But both methods of conveying brine may be combined, the canal going part of the way, and the pumping-engine being used at its termination to raise brine to an aqueduct conveying it to the condenser. Here also the services of an Engineer are required.

12. In all salt works of a size to manufacture salt well and economically, that is to say, of not less area than fifty acres, steam machinery should be used for pumping up the brine. As the average rate at which sea water evaporates to dryness on the west, as at most east coast stations, is one-third of an inch a day, the amount of brine to be furnished to the works daily ought to be found by multiplying the whole evaporating area, crystallising as well as condensing, by one-third of an inch. This, however, presupposes that there will be neither leakage, soakage, nor any other cause of waste, and as again one-third of an inch is the mean and not the invariable rate of evaporation, provision should be made for the highest rate, which is half an inch a day. At the half-inch rate of evaporation per diem, 1,808 cubic feet of brine per acre per diem will be required.

The pumping machinery erected for the purpose of supplying this should be provided in duplicate, otherwise gear accidents, trifling in themselves, might arrest the whole process of manufacture and cause considerable loss. I am not able to recommend any particular form of pumping-engine. In the south of France, after various trials, the steam *tampon* has been finally adopted, but I suppose that this is a matter which would depend very much on the levels and on the amount of brine required, and which should be left in each case to the judgment of an Engineer on the spot.

13. Having planned matters so far, the data upon which to frame estimates are available. The capacity of the canal or aqueduct, as well as the form of pumping-engine, will depend chiefly on the acreage to be irrigated. The cost of embanking will have been already ascertained. The platform estimate should include a slight masonry frame to go three-fourths round the base of each salt heap. The cost of laying out and getting the site ready for salt manufacture will be about Rupees 100 per acre. The canal sluice-gate should be in a masonry frame.

14. The work of bringing the brine to the place marked for the first condenser should now be begun, and where there is sufficient labor the salt-platforms should be taken in hand at the same time. The canal, like the embankment, will be most expeditiously completed if given out in small contracts. It is a good thing to stipulate with each contractor that a certain number of coolies shall be employed on the work each day under a penalty. As the line of the canal or aqueduct, as well as their precise form, will have been surveyed and settled by an Engineer, nothing more need be said about them, except that, as the canal usually cuts through moist strata and is flooded with subsoil brine, the pumping machinery should be provided in time to facilitate this work.

15. The earth for the platforms should be dug out in such a way as to form small tanks or pits—the deeper the better—into which the waste products of manufacture can be discharged. These tanks in the early part of the season form valuable sources of subsoil brine. They are also used after heavy showers to collect the surplus brine from the salt-beds.

16. The formation of the condensers cannot ordinarily be undertaken until brine is brought to the high level or first condenser, inasmuch as the ridges which form them have to be puddled with brine. The partitions between the different condensers are made by puddling up low mud banks, broad enough to walk upon, and high enough to maintain an average depth of three inches of brine in each. The exterior mud banks surrounding the whole system of

condensers are made in a different way, and are designed to prevent leakage.

17. Completely encircling the salt works forming the outer wall of the condensers and salt-beds, a trench over a foot in width should be dug down until it reaches into the moist clay below the level of cracks in the soil. In this trench good stiff clay should be placed and puddled and moulded upwards, forming an impermeable wall surrounding the works, of the height required for the condensers. This is a practical expedient of the greatest importance in preventing leakage. In clay salt works the leakage is nearly always circumferential. Clay itself does not leak unless it is cracked. A section of yellow Eunore clay, containing when sun-dried six per cent of moisture and fire-dried 31·19 per cent of sand, half an inch in thickness, supported one inch of brine for several days, until it slowly evaporated in my room. There was no leakage, and I found that ochreous clay behaved in this respect quite as well as greasy-looking, black carbonaceous clay, containing only 7·5 per cent of sand.

18. The sides of the partition bands, as well as of the marginal wall, should be sloped to an angle of 45°. This is important, and coolies will not attend to it unless they are closely looked after. They make the bands vertical, or nearly so, and the consequence is they are gradually fretted away by the waves. The condensers should communicate one with the other at the most dependent part, and the inlet and outlet openings should be as far asunder as possible. The openings should be made in the first instance too small, and afterwards gradually enlarged to the size which will be found by experience to regulate properly the flow of brine. Vegetation should be encouraged as much as possible on the mural and condenser embankments.

19. Since rain-water is much lighter than evaporated brine, I thought that calingulas at the brine level in the salt-beds and finishing condensers would be of service in carrying it off during and after showers. Rain rests on the surface of the sea, which is comparatively of little density. From experiments made this year I find that calingulas do good where the brine to be protected is strong and deep, at least six inches in depth. Shallower strata of brine are on the contrary beaten up and carried off mechanically by the heavy rains of this country. Calingulas may be of use then on the deeper sides of finishing condensers and deeply-irrigated salt-beds. Mine were simply gaps cut in the clay embankments.

20. With the impermeable wall, before described, surrounding the works, the condenser floors need not be in any way protected from leakage. There will be at first great

loss from seakage. Brine will sink down through cracks in the soil, through sand-drifts, &c., until it reaches the moist, impermeable clay beneath; it will then spread out until arrested by the encircling wall, and then there will be no further loss unless caused by crabs. Crabs will have to be carefully watched for, and the wall protected against their inroads.

21. Three kinds of crabs may be expected to attack the works. The first is (after Cuvier) a species of *Arcuata*, or running crab. It makes a tunnel about two inches in diameter from the subsoil brine level to the surface. It is seldom found further than fifty yards from the shore, and will take itself off if much interfered with. The second species is the *Gelasimus annulipes*, or common calling crab. It lives in the subsoil within a distance of twelve yards or so from the shore, and its burrow to the surface is about a quarter of an inch in diameter. It is easily killed, and will desert the place promptly when the brine reaches a density equal to 7° or 8° Beaumé. The third and worst variety of crab is a small *Arcuata*, having a quadrilateral dark blue or black carapax, less than an inch in long diameter. This crab is very numerously represented in some localities. It riddles the salt-bunds with burrows half an inch in diameter, which it re-opens as often as they are closed. It infests condensers in which the brine is not more than 8° Beaumé in density, and is very difficult to get rid of. It may be dislodged, however, if its hole is blocked up every day for a couple of months.

22. When the condensers are finished and filled, it will be time to commence making the salt-beds. Nothing is gained by beginning them earlier, as they require to be irrigated at once as soon as they are ready for work, otherwise they crack and spoil, and until the brine has stood in the condensers for some time and evaporated to the proper density, there is none wherewith to irrigate them. It injures the beds to fill them with weak brine. Weak brine and fresh water filter through the prepared clay-bed floors soften and unfit them for use. This is evidenced by the softening of the beds after a heavy shower of rain has diluted the brine in them. I proved it to be the case experimentally also by filtering equal portions of fresh water, sea water, and brine at 28° Beaumé through a stratum of mixed clay and sand. Fresh water and sea water took about the same time to percolate through; if any thing, the sea water soaked through the quickest. The brine at 28° Beaumé, specific gravity 1,238, took three times as long as the others. Although 23 per cent heavier, only one-third of it escaped in the time taken by water to pass completely through. This shows that brine loses in fluidity much more than it gains in weight. These experiments were made and

remade on the same days in my own room, away from disturbing influences.

23. As the salt-beds are to occupy the lowest ground, their arrangement in rows, blocks, &c., will be controlled by the shape of that ground. A very convenient size for the beds is forty yards long by twenty yards broad. In cutting them out care should be taken that all the angles are right angles, otherwise the beds will be of unequal areas, and coolies will not attend to this. Pathways elevated six inches from the bed floors, three feet broad on top and four at the base, should surround and form, with the necessary channels, the boundary walls of the beds. Their sides will be, in this way, six inches high and sloped to an angle of 45°. These paths should be well and firmly made, and thickly strewn with sand. Less than an inch and a quarter of clay taken from the surface of each bed will form the paths which surround it. Where beds adjoin and the pathways are common to both, less than three-quarters of an inch from each will be required.

24. The feeding channel for the conveyance of saturated brine from the last condenser to the salt-beds must not be lost sight of when forming the latter. It will follow the slope of the ground from the highest to the lowest level. It is a common mistake to make this channel too small. It should be large enough when single to pour one inch of brine over the whole area of the salt-beds in a short space of time; but where, as will generally happen, it will be found practicable to make more than one feeding channel from the last condenser to the beds, each should be capable of irrigating the beds it is destined to supply within an hour at most.

25. The next and most important prelude to manufacture is the practical work of making the salt-beds. It may be set down as an axiom that, as salt has been hitherto scraped in this Presidency, good clean salt cannot be obtained from clay beds, unless the latter are frequently repaired at a very serious loss of time, money, and even salt. It takes about eighteen days to make the beds in the first instance. After four scrapings, that is to say in about twenty days, the surface of the bed becomes a perfect slough of mud and salt crystals, and it has to be remade. This takes about a week; and so on after every third or fourth scraping the bed has to be again remade, so that about one week in every month of the salt season is lost from this cause alone. In addition the bed has to be remade after heavy rains. This is not all. The third and fourth scrapings yield dirty salt, scraped from a partially-softened bed, and a good portion of the fourth scraping, I should say from experience quite 30 per cent, sinks into the mud and is lost. Besides, extra expenditure has to be incurred for extra labor to re-tramp the beds.

26. Considering that artificially-made beds of permanent materials, notwithstanding their initial expense, would be cheaper in the long run than clay beds, I made some small experiments with such materials as I could collect at Ennore at a late period of the past season. The desideratum is a bed that will stand the wear and tear of being walked upon, scraped and flooded with fresh water and strong brine for a few years. Such a bed will always yield clean salt. It will yield all the salt in the brine with which it is irrigated. It will, weather permitting, always be at work, and it will cost nothing to remake or repair. How far my experiments may have advanced the solution of this problem may be judged from a consideration of my notes regarding them to be furnished further on in this report. To avoid encumbering this portion of my subject, I will merely say that I am not yet in a position to recommend the adoption on a large scale of any artificial material for salt-beds.

27. The process of making clay salt-beds is as follows:—1<sup>st</sup>, remove all vegetation and level the ground; 2<sup>nd</sup>, if the soil is very hard, dry and fissured, dig up about a foot in depth all over it and break up the clods; 3<sup>rd</sup>, let in as much brine as will reduce the floor of the bed to a depth of six inches, to the consistency of soft mud; 4<sup>th</sup>, tread and puddle it under foot until it is so dry that the foot ceases to make an impression on it; 5<sup>th</sup>, let it set and harden until it shows signs of cracking; 6<sup>th</sup>, irrigate it with sufficient brine to test the levels accurately and relevel it; 7<sup>th</sup>, puddle it under foot until it is again dry and firm; 8<sup>th</sup>, sand it with fine sand, and dimmice or roll it well; 9<sup>th</sup>, let it rest and harden in the sun, watering the surface from time to time to prevent cracks until cracking can no longer be avoided. The bed is then ready, and should be irrigated at once before cracks actually develope.

28. The foregoing process takes eighteen days more or less according to the weather. The natives of this coast make it a point invariably to dig up the surface of salt-beds which are being laid out for the first time, irrespective of the condition of the soil. This is not necessary where the soil is still soft and free from cracks, as I have satisfactorily established by experiments both on a large scale and in the laboratory, and as the practice is one involving considerable expense, it is well to know when to avoid it. A watering pot with a fine rose will be found very useful for watering the bed and preventing surface cracks in the last or hardening stage. Rolling the beds as a substitute for dimmicing was tried during the past season at Mr. Cammiade's works and found to fail. A very heavy roller was, however, used, about three times as heavy as that in use in the south of France. I believe myself, from what I saw of this experi-

ment, that a broad, light, garden roller might be substituted for the dimmice in the eighth stage of bed-making with the greatest advantage. The beds during the eighth stage should be sanded with fine sand, just sufficiently to prevent the laborer's feet and the dimmice or the roller from sticking to the earth. From experiments made this year with sand, both large grained and small, it was found that the more sand was worked into the surface of the bed and the larger it was in grain, the quicker the bed disintegrated.

29. Having thus made the bed, it must be divided by small clay partitions, one down the centre and two across, into six equal and communicating compartments. The object of this is simply to brake wind ripples on the surface of the brine to obtain as much rest as possible for the process of crystal formation. It has been found practically impossible to protect the beds from wind. Mud walls and palmyra leaf, &c., barriers were tried both by Mr. Cammiade and myself, and found to do more harm than good. By using these clay breakwaters and very shallow irrigations of concentrated brine, I have, however, succeeded in obtaining even on the windiest days a sufficiently tranquil surface for the formation of good salt crystals. It is well, when the clay bed is directly irrigated, to peg down about a square yard of planking in front of the irrigation opening to prevent the bed from being cut up by the influx of brine.

30. I will suppose that the beds are finished, and that the brine in the last condenser verges on saturation; the question, what system of manufacture to adopt? now presses for decision. The native system, which consists in scraping up small quantities of salt at frequent intervals, is wholly unsuited in my opinion to clay works. It results in the manufacture of dirty salt, and even at that, there is, as I have shown, great loss of time, money, and salt. The French system, which is the reverse of the native and at the opposite pole of manufacturing systems, is equally unsuitable. It consists in allowing the salt to crystallise from a considerable depth of saturated brine continuously for a period of three months, when it is removed at one harvesting in blocks. Our climate, it is needless to say, does not lend itself to this system. Few people in this country would risk all or nothing on the chance of even one month without a tropical shower. At any rate, the hazard attending it puts it out of consideration.

31. I believe that somewhere between these two systems that which is best adapted to the climate and soil of this Presidency will be found. A most important indication is to obtain the salt with as little disturbance of its clay bed as possible. Keeping this in view, it must not be

gathered too often; on the other hand, it must not be left too long, lest rains destroy it. My experience suggests, all things considered, a fortnight as the most suitable interval for salt scraping, but of course a great deal would depend upon the weather. Adopting then an increased interval from the French, in all things else we must follow the native track. Deep irrigations are not suited to our coasts. The violent and regular trade winds, and land and sea breezes, which blow throughout the salt season, churn up such irrigation in a way to frustrate proper crystallisation. Shallow irrigations, not deeper than one inch, on the other hand, preserve a tranquil surface in ordinary winds, partly because the fluidity of saturated brine is considerably diminished, and partly because the wind cannot get a grip on shallow strata of heavy brine, and excellent crystals are the result. These suggestions point to a modified accretion system, abbreviated from that of Merkanum, as being the best adapted to our circumstances.

32. Whether to lift the salt off its clay bed with trowels, to scrape it off with boards, or to provide a bed of sand on top of the clay for its special support, and to prevent disturbance of the clay? is a further question which results from the adoption of the system of manufacture sketched above. Ordinarily speaking, at the end of every fortnight there will be a salt cake about three-quarters of an inch in thickness to remove. Whether it is scraped up or lifted off it will cling to the clay, and both the surface of the bed and the purity of the salt will be impaired. An experiment that I made with sand during the past season was brought to a premature end by the rains, but I saw enough to gather hope from it and to recommend it for further trial. I made a salt-bed in the way described at paragraph 27 and let it harden. I then covered it with two inches of sand, and irrigated it until the sand was covered with half an inch of saturated brine. Excellent salt crystals were deposited from the brine on the surface of the sand, but before the bed could be irrigated a second time rain swamped it. I anticipate that salt cakes could be lifted off the sand without in the least disturbing the clay bed, and also that by gathering them in the wet, as is the present custom, the sand would wash off. In the adoption of these two expedients, harvesting seldom and lifting the salt carefully from an intermediate sand bed, I think we have the best available solution of the problem how to get clean salt uninterruptedly from earthworks.

33. A not unimportant advantage attending the use of sand as described is that the planking usually pinned down in front of the irrigation openings to prevent the prepared clay from being scoured into rats by the inrush of brine may be altogether dispensed with, as the

sand takes the force of the waters and is driven into grooves, which can be smoothed down as soon as the brine settles.

34. Now as to the proper conduct of manufacture, I believe myself that the best salt is formed in this country from thin sheets of brine never allowed to exceed half an inch in thickness and 27° Beaumé in density, renewed from time to time as may be required, according to the weather. Of course I mean half an inch reckoning from the surface of the sand, or of the salt cake when it forms. These very thin sheets of brine are scarcely at all affected by the wind, and by keeping their density low, crystallisation is not hurried. To maintain this arrangement the density of the fresh irrigation will very soon have to be reduced below 25° Beaumé, or else 25° + 27° for example will give at once 26°, causing salt to fall too rapidly, and 27° will be reached again too soon, necessitating frequent renewals of brine.

35. As the season advances the residual salts confined in the mother liquor will begin to exercise a potent influence in expediting the separation of sodic chloride from the brine, and this action will be early recognisable by the altered condition of crystallisation. Directly, therefore, the salt crystals begin to lose in regularity of size and shape, before small, hollow, and flaky forms actually appear, the fresh irrigations must be still further reduced in density, and the prepared brine maintained uniformly at 26° Beaumé, and afterwards even at 25° Beaumé if necessary. If this be attended to with care, I do not think it will be necessary to remove the bitters at all during the ordinary four months crystallising season. It would be a great saving of power, of time, and of expense, if they could be retained. In the south of France, using irrigations about a foot deep, never allowed to pass 29° Beaumé, the mother liquors are retained during the whole process, that is, for about three months, until the salt cakes are ready to gather, when they are drained off. But if in the system sketched, notwithstanding the precautions taken, crystallisation begins to deteriorate manifestly, a sign which precedes actual magnesian adulteration, the beds must be filled to overflowing with the weakest brine procurable, which should be agitated for an hour or so, and then drained off as completely as possible. That this operation, if it be needed, will injuriously affect the beds, is almost certain.

36. Manufacturing in this way, the condensers will not be called upon to raise brine to 25° Beaumé during a great part of the season. They need not, therefore, be as large as they would otherwise have to be. Theoretically, the proportions of condensers to salt-beds to provide the latter continuously with sea water condensed 25° Beaumé should be 5 to 1; but because the condensers get nearly one month's

start, and because the residual salt in the bitumens by forcing out salt in the beds supply the place of condensation, they need not, in the system sketched, be nearly so large. The proportion I have provided 3 to 1, I have practically found to be sufficient. This is a clear gain to the manufacturer. He has one-fourth of his ground turning out salt instead of one-sixth. Scraping salt as the natives do, a condensing proportion of 3 to 1 is likewise enough; but only because the beds soften and are thrown out of work, there is no gain in this; it involves a real loss.

*(To be continued.)*

### COAL IN INDIA.

VIEWED as a coal producing country, the British territories in India cannot be considered as either largely or widely supplied with this most essential motive power. Extensive fields do occur but they are almost entirely concentrated in one (a double) band of coal-yielding deposits which, with large apparent interruptions, extend more than half across India, from near Calcutta towards Bombay. For the present, we shall confine our remarks to

#### *Coal in Bengal.*

Patches of coal or lignite, have been found in several places along the lower ranges of the Himalayan mountains. At the foot of the Darjeeling Hills, near the point where the Teesta river leaves the hills, and up the channel of the Sivok, a tributary of the Teesta, similar patches of lignite have been found, and have given rise, to the hope of the discovery of an important coal-field there. Dr. Oldham in his report on the "Coal resources and production of India" states that these patches of lignite have all proved to be either detached fossilized stems of trees, imbedded in the sand-stone, or nests of lignite of no extent. He found evidences of coal-bearing rocks occurring near to Punkabares also at the foot of the Darjeeling Hills, but their limits had not at that time been traced, and no coal was known to occur there. After a visit to Assam in 1864-65, Mr. Medlicott reported most favourably of the value and extent of the coal fields in that Province. To the north of the river Brahmapootra, no coal worth working was found. To the south, in Upper Assam, the principal localities were found to be the neighbourhood of Jeypore, in the Debrooghur District and the vicinity of Makoom. The chief places are the Teerap, where a minimum thickness of five feet of bright clean coal was seen; Naurdik, a tributary of the Deehing, where, within two hundred feet three thick beds of good sound coal was found, one eight feet thick; and Jeypore where a seam of seventeen feet thick occurs, of which ten feet is good bright coal. Several other seams

were also found which have never been touched. The inaccessible nature of the country, and the want of a trustworthy map rendered it impracticable then to obtain even an approximate idea of the area over which the beds range, and, consequently of the fuel available. Dr. Oldham, however, had no hesitation in saying that the fields would be very large and valuable. The assays of the Assam coal showed a proportion of ash not exceeding two or five per cent.

The existence of good coal in the Khasi or Khasia Hills, lying to the north of Sylhet, and between the valley of Assam on the north and the plains of Sylhet and Cachar on the south, was known so long since as 1815, when specimens of it, forwarded by Mr. Stark were tested at the Government gunfoundry at Cossipore, near Calcutta, and found to be good. Spasmodic efforts were made in subsequent years to work these beds, but the difficulty of bringing the coal to market, rendered every attempt abortive. This difficulty arises from the fact that the coal beds are at an elevation of four thousand feet above the plain, from which the hills rise with an abrupt scarp; preventing transport within any moderate outlay. The only means of conveying the coal from the mines to the water carriage below, is by actual portage on coolies backs; a mode of transport not only very expensive but necessarily very limited. The coal is of excellent quality, and is specially well adapted for gas works, steamers, locomotives, &c. The coal is remarkably free from iron pyrites (sulphur). The quantity available in the Khasi Hills is estimated at from three to six millions of tons. At the western extremity of the same range, where the country of the Garos or Garrows overhangs the Brahmapootra, just below its great curve to the south, coal was stated to occur in more places than one, and although the general character of the rocks there, is known to be similar, and of the same geological age as those occurring more to the east, a search by Mr. Dodgson, who was in charge of a factory in the vicinity, failed to find any coal.

In Cachar, the specimens tested were found to contain fragments of fossilized stems alluded to above. Like the coal from many other of these nests or pockets, much of it proved bright and jetty and likely to yield fair results on assay. But no true beds of coal were found in the district. Chittagong had not undergone a geological survey, nothing was therefore known of the occurrence of coal there. The specimens tested did not lead Mr. Oldham to infer that any regular or continuous deposit would be found. Along the western side of the detached group of low hills, which stretch from near Soory the principal town of the Beerbboom district, northwards to near the Ganges, and which are generally known as the

Rajmahal Hills, coal deposits occur in numerous places. These localities are thus grouped. To the south of the basin of the Brahmini, four or five seams are known varying in thickness from three to twelve feet. In former years, fair coal was obtained from some of these beds. During the construction of the East Indian Railway there was a considerable demand on these works; but since the opening of that line to Raneegunge, where larger and better fields of coal exist, the Rajmahal Hills were abandoned. In the valley of the Bansloj stream several valuable beds of coal are found; and in the Goromanie valley also, and towards the north-western end of the hill range near Boorah beds of coal occur, from whence large quantities were obtained for the railway works. Here also as in the Brahmini valley the working of the coal beds ceased on the completion of the railway.

The well-known fields at Raneegunge are distant one hundred and twenty to one hundred and sixty miles, north-west from Calcutta. They extend from a few miles to the east of the village of Raneegunge, to some miles west of the Barakur; the greatest length being nearly east and west, about thirty miles, and the greatest breadth, almost due north and south, about eighteen miles. The area thus included by the coal-bearing rocks is about five hundred square miles. The fields consist of a series of beds divisible into three groups, which have a general dip from the northern boundary to the south, at angles varying from  $5^{\circ}$  to  $20^{\circ}$ . Along the southern boundary, the beds are turned up and cut off by a great fault. The total thickness exhibited by the series of rocks is more than 8,000 feet, and in this series the workable seams of coal are from 100 to 120 feet thick. Towards the centre of the field, and forming the hills of Beharinath, Panchet, &c., there rests unconformably on the coal rocks, a series of beds of a more recent geologic age and not containing coal. It is believed that these entirely conceal the coal-rocks which are under them, and form a thickness of non-productive beds through which Dr. Oldham considers it would be impracticable profitably to work the coal at present. To this series the name of the Panchet rocks has been applied. It is said that they contain some very interesting reptilian remains, which are probably of fresh-water origin, and of the general geological age of the Triassic or Khatic rocks of Europe. The Panchet rocks are supposed to cover one-fifth of the entire area of the field, leaving approximately four hundred square miles over which the coal rocks are seen. The quantity of coal in this field is estimated at  $18\frac{1}{2}$  million tons from which after making the necessary deduction for waste, loss, small coal, &c., to the extent of one-fourth the total quantity is estimated at about 14 millions of tons. The coal of this field, like most Indian coals, is a non-caking bituminous

coal, composed of distinct laminae of a bright jetty coal, and of a dull more earthy rock. The average yield of ash is 14 to 15 per cent within limits of from 8 to 25 per cent.

The small but valuable coal-field of Kurhurbali, is situated to the north of the river Barakur, about twenty miles north north-west of the prominent hill of Parisuauth on the Grand Trunk road near Topchauchy, and about eighty miles south of the Luckisera station of the East Indian Railway. Its greatest length does not exceed  $6\frac{1}{4}$  miles, and its breadth is nowhere more than  $2\frac{1}{4}$ . The area of the coal-yielding rocks scarcely exceeds 10 square miles. In this field there are said to be several beds of good coal of considerable thickness from eight to fourteen feet, well placed for economical working. Much of this coal is also of better quality than the ordinary Indian coals and therefore more valuable. This superior quality has been established not only by assay, but by practical trials, extending over several months, on the East Indian Railway. Before the opening of the East Indian Railway this field was worked with great advantage notwithstanding the necessity of its transport over bad roads for a distance of about eighty miles. But since then it has been unable to compete with the rail-borne coal of Raneegunge, and the working of the field ceased in 1863. It was thought the works of the chord line would revive these works, although the nearest point of the line would be some twenty-five miles from the coal-beds, but it would appear that this hope was not realized. The Kurhurbali coal-field has been worked to too limited an extent, to admit of a decided opinion as to the equivalence or continuity of several of the beds. It is considered that there is an amount of coal equivalent to a thickness of nine yards over the field. From the total area of ten square miles Dr. Oldham thinks that one-fifth must be deducted, over which the overlying rocks are too thick to allow the present profitable working of the coal leaving an area of eight square miles. We have then 8 by  $1760^2$  by 9-223 million of tons and allowing one-fourth for loss, waste, &c., there are 168 millions of tons of coal available in this field. In the trial referred to, extending over three months, the superiority in the ratio was observed to be 113 : 100, thereon it is assumed that if one-half the quantity be the better quality; the 168 million of tons would represent a working power, equal to that of 190 millions of ordinary Raneegunge coal.

The extensive, though not very rich, coal-field of Jherria, lies along the valley of the Damoodah river from a point about ten miles to the west of the most westerly of the Raneegunge coal-fields. Its greatest length is twenty-one miles and its greatest breadth about nine miles. The total area is assumed to be two hundred square miles. In geological

structure it is like the Raneegunge field, consisting of a series divisible into three groups which have a general continuous dip from north to south where they are cut off by a great fault. There is an absence of any indications of the overlying Panchet series, (for further particulars see Memorandum Geological Survey of India, Vol. V). The amount of coal in this field is roughly estimated at 465 million tons.

About a mile to the west of the Jherria field, is a long narrow band of coal-bearing rocks which runs along the valley of the Damoodah and the Bokaro (one of the affluents of the Damoodah). Its extreme length from east to west is about forty miles, and its greatest breadth north to south is not more than seven and half miles. This field is known as the Bokaro coal-field. Its total area is estimated at two-hundred and twenty square miles. In the centre of the field rises the massive hill of Tugoo covered entirely by the overlying series of the Panchet rocks. This mass of rocks covers an area of about 24 square miles, so that the available area of the field may be taken at 190 square miles. Much of the coal found here is of an inferior quality. It has been worked to some extent, and the coal has been carted to Hazareebagh and Gya, for the purposes chiefly of brick and lime burning. The quantity of fair coal available is computed to be 1,500 millions of tons. Owing to the difficulties of access to this field, it is not expected to prove more than a resource for local supplies.

The Ramgurh coal-field occupies a triangular space along the valley of the Damoodah. It extends eastward from the old fort and town of Ramgurh, where its breadth in a north and south direction is not more than a few hundred yards, for about twelve miles. At the eastern end the breadth increases to sixty miles. Its total area is taken to be thirty square miles. The field is of the same general type as those in Bengal, a series of beds dipping generally to the south and cut off there by faults, which bring them into contact with the gneissose rocks in the vicinity. The coal found is of an inferior quality generally and the total available quantity is taken to be about two to three million tons.

The Karunpora coal-field is of large extent covering a surface of at least 450 square miles, and is next in size to that of the Raneegunge.

It was first touched upon by Mr. Williams in 1848, but only a very small part of its area was examined by him. This extensive field is believed to be very poor in coal, and what does occur is for the most part of inferior quality. The knowledge possessed of it is however very limited at present. The coal found near Ectkoree to the north-west of Hazareebagh is of a poor quality, but serviceable for the purposes of brick-burning, &c. The Palawar coal-fields are between the upper waters of the

Damoodah and the Koel; the principal one of which occurs along the valley of the Damoodah and its tributaries. The other fields lie along the Koel and the Soane. The Palamow coal-fields near the village of Rajhera were worked for years by the Bengal Coal Company, but were abandoned probably because they were unable to compete successfully with the rail-borne coal of Raneegunge. However on the opening of the Soane Canal it is believed the great obstacle to its success, that is the means of cheap transport will have been removed, and there appears to be good reason for supposing that the working of these fields will be resumed. No estimate of the quantity of coal to be found has yet been formed. Near the village of Singpur, the colliery of Kotala situated close to the limits of the British territory adjoining the Rewah State has for years been known and has yielded a fair amount of good quality. The quantity raised has been limited owing to the difficulties of transport to market. A cursory examination of the country was made about the year 1866, when coal of a very fair quality was found in eight or nine different localities, extending from Kotah on the east to Beryli on the south-west, and spreading over an area of forty miles in length from east to west and twenty in breadth from north to south. No estimate of the available quantity of coal has as yet been arrived at. A large area extending along the Upper Soane, the Mahanuddy and thence down to Sohagpoor and the vicinity of Ummerkuntuk has also been visited in the same cursory way. But the prospects of any large amount of coal being available in this district were considered to be not very encouraging. The Hutssoo is an affluent of the Mahanuddy. Near the village of Koorba some fifty miles from the Mahanuddy coal was noticed in the bed of the Hutssoo so long since as 1840, and more recently (1863) Captains Burton and Forsyth visited the place. Coal occurs in the Husdoo or Hutssoo near Koorba in the Beeja Kurra twenty-five miles north-east of Koorba, and in the Tabed a few miles further on in the same direction. It is supposed to extend two hundred yards along the bed of the former and about a mile in the latter. Coal was also found in the Chornai stream, a tributary of the Hutssoo. The probable amount of the coal available has not yet been ascertained.

The Talchier coal-fields in the upper valley of the Mahanuddy naturally connect themselves with those nearer to the town of Cuttack in the lower reaches of the same river and its distributaries. Of these, that near Talchier has been examined in detail, an account of which will be entered upon in our next notice. Coal is said to occur in places near to Sumbulpur between the Hutssoo and Talchier fields, but no particulars are forthcoming.—*The Indian Agriculturist*, Vol. I, p. 66.

# THE REVENUE REGISTER.

No. 5.]

MADRAS :—MONDAY, MAY 15, 1876.

[VOL. X.

## A MANUAL OF THE CUDDAPAH DISTRICT—III.

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*Chapter V, Revenue History.*—When Munro first took charge of the District he hoped to collect from it a revenue of twenty lakhs. This was however more than even he could obtain, notwithstanding the heaviness of his assessments. The first year, owing to the lateness of the season, he made a village assessment; but in subsequent years he adopted the ryotwary settlement, making however the headman of the village responsible for defaulting or absconding ryots. To enable the ryots to cultivate their lands Munro was forced to grant them *tuckavi*, or advance, and that to an extent which shows only too plainly how impoverished was the district, and how little able to bear the heavy assessments imposed on it. This was still further proved by the fact that the land was unsaleable. This state of affairs continued till 1872-73, when the rates per acre, which in some instances rose as high as Rupees 35, were reduced to a maximum rate of Rupees 12. Although at first sight this seems like a terrible blow to the revenue, yet there is reason to hope that, while so much more favourable to the ryots, Government will ultimately share in the increased prosperity of the people. Munro's survey and settlement lasted five

years; and though some mistakes may be detected in it, it was on the whole wonderfully correct. Although during his administration of seven years Munro met with two exceptionally bad seasons, yet his régime must be looked on as having been most successful, and when he retired in 1807, Government was not slow to acknowledge his unremitting industry and unparalleled success in developing the revenues of the country. Indeed, in 1808 the Board of Revenue wrote as follows: “The example we believe to be unparalleled in the Revenue annals of this Presidency, if so extensive a tract of territory, reduced from confusion to order, and a mass of revenue, amounting to no less than 1,19,90,419 star pagodas being regularly, and at length readily, collected with a remission of only one fanam, twenty-two cash per cent.” About the time of the departure of Munro there was a discussion as to the settlement of the country, and three modes of settlement were proposed: First, the Zemindary system, which obtains in Bengal; secondly, the Village Rent system; and thirdly, the Ryotwary system. Munro himself approved of the latter, but Government differed from him on this point, and rented out each village on a three years' lease to a middle-man. This system, as might have been expected, broke down altogether, and, though another similar

settlement for ten years was tried, it met with no better success, and was finally abandoned in 1821 in favour of the Ryotwary system, which is the one best suited to the country, and which has never since been changed. We see that Mr. Gribble does not think that the lease system ever had a fair trial in Cuddapah on account of the very high rates at which the land was assessed. In 1820 Sir Thomas Munro became Governor of Madras, and on the expiration of the ten years' lease, he introduced the Ryotwary system in Cuddapah, at the same time making great reductions in the rates of assessment. Since that time there has been little or nothing to record of the Revenue history of the district. The railway has been opened and has given a healthy stimulus to trade; but Cuddapah still suffers from an insufficient and precarious supply of water. The chapter concludes with a list of the Collectors of the District, and a short account of Butcha Row, who for thirty-seven years was Head Sheristadar of the district, and the invaluable assistant of each succeeding Collector.

*Chapter VI, Poligars.*—This chapter is, Mr. Gribble tells us, "taken almost verbatim from a report of Colonel Munro's." It gives a short account of 49 different families, of whom a great number are now extinct.

The next chapter, Chapter VII, the first one in Part III, concerns the Criminal tribes. It commences with a list of them as given by Munro, divided into six classes. Of these many have now disappeared, and of the survivors the Yanadies, Woddars, Erkalas and Sugalies are the most hardened. Cuddapah seems to have been frequently troubled by organized gangs of robbers, who did not hesitate to defy the police and attack the public treasury. So numerous were these gangs, that we find that "in 1857 gangs of 200 armed men were reported from Kadiri, from Sidhout 40, from Raychoty 100, and from the

Palkonda Hills 50 or 60. Mr. Gribble remarks that these bands gave much trouble to the police, and that it was only after years of miniature campaigning that they were caught. To exemplify this Mr. Gribble quotes some interesting passages from the Police Administration Report; of these we propose to reproduce at least one.

"The latest example of a Cuddapah dacoit is to be found so short a time ago as 1873. One Namal Singadoo had been for years the terror of the villages on the boundary of the Bellary District and the taluk of Kadiri in Cuddapah, because he was so feared; he was, however, respected and protected. Though he was frequently recognized as the leader in daring robberies, he could never be caught. The ryot who, when Singadoo was a few miles distant, would be most clamorous regarding his losses, would protect and hide if he (Singadoo) came to his house. It is a melancholy fact that the lower classes are imbued with the idea, and not without reason, that the Government is less able to protect them than a bold criminal is powerful to harm them. Singadoo's last exploit was, however, the last feather on the camel's back. He became dissatisfied with a policeman who had inquired after him, and who had crossed his path too often, and on meeting him one day he revenged himself by cutting off his head in broad daylight. The hue and cry then became too hot for him. He took refuge in the hills between the Kadiri taluk and the Bellary district, and the police on both sides were in search of him. He was at last traced to a village, but remained there for some time with impunity, for, though a man weak in bodily strength, he was known to be desperate and always armed. But even great minds have their weaknesses, and his was—drink. A Police Inspector, Sheikh Madar Sahib by name, managed to lay an ambush for him. After some days' acquaintance, an accomplice in disguise supplied him one evening with drink and then turned the conversation on bodily strength; and, having lifted a heavy stone, he made a wager with Singadoo that he could not do the

same. The wager was accepted, and Singadoo laid aside his sword and his pistol and stooped to lift the stone. Alas! for chivalry! when his back was bent, the ambush rushed in, overpowered him, and carried him, tied to a cot, to the nearest police station. From thence he was taken to the Bellary Sessions Court; and, being sentenced for the murder of two men who had informed against him previously, paid the just penalty of his many crimes. History repeats itself, and the fall of Singadoo could, were he not a murderer, almost find a parallel in the Mahabharata, where the invincible Karna is slain by Ardsana's spear whilst he is endeavouring to lift his chariot wheel out of a mud hole."

We further learn from Mr. Gribble that murder is all too rife on the slightest provocation. Some of these murders are due to family quarrels, some to conjugal infidelity, and in one sad instance, a little boy thirteen years of age was murdered by his uncle, because he had not, in the opinion of that relative, treated him with sufficient respect. Besides these horrible crimes we find that perjury, forgery, and extortion are common offences; nor is torture a rare thing in this interesting district!! We are not surprised at the conclusion to which Mr. Gribble comes after detailing all this moral depravity and lawlessness, "The Criminal law is taken advantage of by the village officials to extort money by the suppression of crimes actually committed, and to bring false charges against innocent men who have incurred the enmity of a wealthy or influential inhabitant. *The rough and ready justice of Sir Thomas Munro was far more efficacious and far more popular than the present criminal law.*

*Chapter VIII, Judicial.*—This chapter seems to follow the one on the Criminal classes by a very just and proper arrangement. We find that there is an increase in almost every kind of crime. Yet we would fain hope that this apparent increase is chiefly due to the vigilance of the police and the consequent detection of many crimes

that formerly passed unnoticed. There is however we are told, a decrease in dacoities and gang robberies which were formerly so rife in the district. The police appear to be as efficient as they are elsewhere, but the proportion of superior officers seems hardly adequate to the supervision of so large a tract of country. To the account of the Police succeed statistics regarding the Courts of Justice, and a list of Judges of the Zillah and District Court.

*Chapter IX, Climate and Health.*—This part of the subject has been glanced at in this first part of our notice of the Manual. Suffice it to say that in this chapter we find registers of heat and cold kept at Cuddapah and Madanapally, accounts of the three dispensaries at Cuddapah, Madanapally and Proddatoor, statements of births and deaths, classification of diseases, remarks on the vaccine department, and a list of indigenous medicines, all of which are now officinal.

*Chapter X, Agriculture.*—Under this head we find accounts of the principal products of the District, namely, cotton, indigo, and sugar-cane. Cotton appears to have always been one of the staple industries of the country, for in 1803 the first Commercial Resident, Mr. Greenhill, wrote to Munro telling him it was difficult to induce the weavers to work for Government, as under the former Governments they had found it so difficult to obtain remuneration. Little by little the reluctance of the ryots was overcome, and now cotton to the value of about 40 lakhs is produced yearly in the district. Indigo is also generally grown, though the cultivation is, we are told, fluctuating. It has an advantage over some other kinds of cultivation, namely, that it will grow on both wet and dry lands. The cultivation of indigo ought to be very profitable, for we are told that the out-turn is about 2 or  $2\frac{1}{2}$  maunds an acre, and that it is worth from Rupees 40 to Rupees 52 a maund, while

the rent of the land is about Rupees 4 an acre. Strangely and, as it seems to us, unfortunately this manufacture is greatly on the decline in this district, what little trade there is in this article being in the hands of the natives, who adulterate the valuable dye with mud. Sugar-cane grows chiefly in the sub-division, and meets with a ready sale, being in request all over the southern part of the Presidency.

*Chapter XI, Revenue.*—In this chapter we see the amount of cultivable land, the land actually under cultivation, the rates of assessment, the various sources of revenue. Mr. Gribble notices the harm done to the country and the Revenue by the large number of Inams that exist. They are not only direct losses, but indirectly they exercise a baneful influence, because the cultivators being able to sub-rent, or at least to find employment on these lands, are nearly independent of the Government lands, and will not work them unless they can get them on very favourable terms. To quote Mr. Gribble's own words, he says, "I have no hesitation in saying that the best of the energies of the cultivating classes are bestowed upon the Inam lands. It is upon them that they expend their capital and their labour, and yet there are lands that ought to yield a revenue (by the present valuation) of eight lakhs of rupees lying waste, and the story is still the same. Land has no saleable value, and the ryots live from hand to mouth. There would therefore appear to be some grounds for supposing that the only way to bring the waste lands under cultivation is to reduce the assessment so as to procure a saleable value for each acre even of dry land. And it must be remembered that by bringing this waste land under cultivation, the Government Revenue will be doubly benefited. The increase of production will be a source of profit to the Government as well as the

ryot." The succeeding Chapters on Inams, Local Funds, Public Works, Forest and Hill ranges and the Missions, are of little more than local interest, and we must refrain from entering into any detailed notice of them; but the chapter on Popular Superstitions is too interesting to be passed over in total silence. The first two given concern the celebrated Munro, and we reproduce them in Mr. Gribble's own words.

"As an example of how the mythology of India is formed, I may quote the following two anecdotes of Colonel Munro; *ante* at page 107, I have mentioned a legend regarding a golden garland which Munro is supposed to have seen a short time before his death. Since writing this legend I have heard an amplification of it from a Brahmin, who assures me that his edition of the story is currently believed. It is this: when Rama conquered Ravana in Ceylon and rescued Sita, he despatched the news of victory to this country, where he had lived so long in exile. On hearing it the Governor stretched across the gorge of Vaimpally a wreath of golden flowers. From that day to this, though the original wreath has long since disappeared, its semblance appears, shortly before their death, to those whom the gods love. As Munro passed through this gorge shortly before his death, he saw the wreath and pointed it out to his native followers. They could not see it, but told him the legend connected with it. The people say that Munro was delighted that this vision should have been revealed to him, and that he accordingly halted at an adjacent pagoda, remained there for two days, and then offered sacrifices and presents to the swamy. Again at Kadiri there is a large pagoda at which there is an annual feast, to which a large number of pilgrims resort. When Munro first took charge of the Ceded Districts he resumed all the inam lands preparatory to an investigation of their titles. At Kadiri he expressed his intention of confiscating all the lands attached to the pagoda. Hence the whole of the Brahmins were suffering great sorrow. One day Munro went out shooting. During a beat a tiger came across him. Munro

instead of shooting, was struck with terror and fell down; the tiger sprang upon him, and after some time bolted off, leaving Munro uninjured. Munro was picked up insensible and carried home in a palankeen. After two days of sickness he sent for the chief Brahmin of the place and asked him how it could be that he should have lost his courage so suddenly, and yet should have remained uninjured. The Brahmin told him that this tiger was in reality the swamy of the pagoda, who had embraced this opportunity of making Munro's acquaintance in order to give him a gentle hint that he should be as merciful to the pagoda inmates as he had been to him. Munro was convinced by this interpretation, and at once confirmed to the pagoda its old endowments.

In this last story there is one palpable falsehood. Munro was no sportsman, and never went out shooting. The most he ever indulged in was throwing a stone at a pariah dog when waiting for his guest to come to breakfast (Gleig's life of Sir Thomas Munro, page 299). When stories with such endings as these can be told of a man whose life is like a glass house, and whose memory is not more than fifty years old, what wonder is there that the whole of Indian history is wrapped in fable? To those who know what Munro was, nothing could be so incredible as that he made sacrifices in a pagoda, or believed that he had seen an incarnation of a Hindoo swamy; and yet here are the people among whom he lived for seven years who believe this. What truth thou can be collected from the legends and histories of rulers who lived hundreds of years ago?"

Another pretty story connected with a branch of the Cheyair occurs at page 285.

"Where a branch of this river flows past the town of Kalcudda,\* in the Voilpand taluk, there is a remarkable fall. The stream disappears in the ground and emerges from a hole a hundred feet lower, after which it winds away through steep rocks. The people tell a strange legend in connection with this hole. In ancient times there was a Rajah at Sidhout (derived from *Sidha Vatam*—the

hermit's banian tree), who had a beautiful and only daughter. When the time came for her to be married she was found to be pregnant. Thereupon the king being very angry, ordered her head to be cut off. She, however, urged that she had committed no sin, but that the sun god had appeared to her in a dream disguised as the hermit, the patron saint of the place, and had married her. To prove the truth of this story she offered to walk forty miles with a toddy pot on her head containing a live cobra. The offer was accepted, and she walked 40 miles, crossing the Palkonda hills, until she came to the site of the present town of Kalcudda. There she placed the pot on the ground, and as the cobra was found in it, and she was still unhurt, the truth of her story became apparent. She took up her abode in this town, and after some time gave birth to twin sons. When their education was completed the mother went to the hole in the ground where the river disappears, and jumping in she "kissed the feet of the god," i. e., died. Her boys, however, grew up and were called the Suriakumarloo—sons of the sun. They ruled the country for many years, and built a road over the pass which their mother had toiled through before. Whatever doubt may attach to this story, the pass through which the trunk road passes over the Palkonda hills near Goolcherovoovoo, 16 miles from Cuddapah, and near which the remains of an old native road are plainly visible, is still popularly known as the Suriakumarloo Kanama."

Chapter XVIII, and last, deals with weights and measures, which are very variable, differing not only from other districts, but those of the different taluks differing amongst themselves.

We have now finished our very brief and imperfect review of Mr. Gribble's Manual. We are sure that it will be a useful book of reference for those working in that part of the country, and it is at the same time sufficiently interesting to repay perusal by those whose lot has fallen in cooler places than the Cuddapah District.

\* కల్కు = Toddy, ఘూత = pot.

## CIRCULAR ORDERS OF THE BOARD OF REVENUE.

### No. II.

STANDING No. 351-2.

#### BELTS AND BADGES.

*Proceedings of the Board of Revenue, dated 28th March 1876, No. 852.*

PARAGRAPH 1 of Standing Circular Order No. IV of 1875 should be read as if the words "of Collectors and Divisional Officers" were inserted after the word "Duffadars."

2. Lacé edging is not necessary for the belts of Taluk Duffadars, and it has not been usual to supply it hitherto.

### No. III.

STANDING No. 253-3.

#### RULES FOR COASTING STEAMERS.

*Proceedings of the Board of Revenue, dated 4th April 1876, No. 917.*

UNDER instructions from Government, Collectors are requested to substitute the following G.O., dated 23rd February 1876, No. amended Rules for Rules 266, Revenue Department. 6 and 12 of the "Rules for the issue, &c., of General Passes for Coasting Steam Vessels under Section 156 of the Consolidated Customs Act, and for entering and clearing such Vessels" circulated with Board's Standing Order No. VIII of 1871, No. 253-2:-

**RULE 6.**—When any coasting vessel shall sail for both Foreign and British Indian ports, the Commander shall deliver an account duly signed in duplicate, as prescribed in Rule 4, of all goods (to be expressed in detail) destined for any foreign port, and he shall receive back the original account, duly dated and signed by the Officer in charge of the Custom-house, before leaving the port. A separate account of all goods destined for British Indian ports shall be delivered by the Local Agent of the vessel as prescribed by Rule 5.

Provided that Rules 4 and 6 shall not apply to coasting steam vessels carrying Her Majesty's mails, but the procedure prescribed in Rule 5 shall be followed in respect of such vessels for whatever ports bound, and the necessary clearance when the coasting steamer is bound for a foreign as well as a British port shall be granted on application prior to her departure from the port.

**RULE 12.**—The discharge of cargo from any coasting steam vessel may be commenced immediately after the anchor is dropped at any British Indian port, and boats may be sent off to receive cargo before delivering the accounts prescribed by the above Rule. Goods and passengers arriving by any coasting steam vessel may be landed under the above rules at any hour of the day (6 A.M. to 6 P.M.) not excepting Sundays and holidays, subject, however, to the regulated fee being paid to the subordinates of the Customs Department, in accordance with the prescribed rules, in consideration of extra labor entailed by working overtime or on Sundays and holidays under the orders of the Officer in charge of the Custom-house.

## HIGH COURT—ALLAHABAD.

(Before a Full Bench.)

TURNER, OFFG. C. J., PEARSON, SPANKIE,  
AND OLDFIELD, JJ.

*Act XIX of 1873, Sec. 241, Cl. (i)—Revenue-Pattidar—Suit for Contribution—Jurisdiction—Civil Court—Revenue Court.*

The question in the case was whether the plaintiff, a pattidar who had paid a sum on account of a demand for Government revenue, should sue to recover from the defendants, his co-pattidars, the balance in excess of his own quota in the Civil or in the Revenue Court.

HELD (Spankie, J., dissenting) that the Civil Courts were competent to entertain suits of the nature.

PER Spankie, J., contra.

Ram Dial and others v. Gulab Singh  
and others.\*

THE plaintiff, a pattidar who had paid a sum on account of a demand for Government revenue, not merely in respect of his own share, but also in respect of the shares of the defendants, his co-pattidars, sued to recover the sum paid in excess of his own quota. The suit was instituted in the Court of the Munsiff of Chibraman. The Munsiff dismissed the suit, deeming it to be a claim connected with or arising out of the collection of revenue, and that he was therefore prohibited by Section 241 of Act XIX of 1873

\* Special Appeal No. 293 of 1875, from a decree of the Judge of Farrikhabad, dated the 16th January 1875, reversing a decree of the Munsiff of Chibraman, dated the 24th August 1874.

from entertaining it. On appeal by the plaintiff the Judge held that there being no special provision for the trial of such a suit by the Revenue Court, the Civil Court had jurisdiction, and remanded it for disposal on the merits.

The defendants appealed to the High Court on the ground that the suit was not cognizable by the Civil Courts.

The Court (Turner, Offg. C. J., and Spankie, J.) referred to a Full Bench the question whether the plaintiff should have sued in the Civil or in the Revenue Court.

The Senior Government Pleader (*Lala Juala Parshad*) and Munshi *Hanuman Parshad* for appellants.

Pandit *Ajudhia Nath* and Pandit *Bishambar Nath* for respondents.

Turner, Offg. C. J., and Pearson and Oldfield, JJ., concurred in the following opinion :—

We are of opinion that the Civil Courts are competent to entertain claims of this nature, and that the Munsiff is in error in regarding it as a claim connected with or arising out of the collection of revenue within the meaning of that term in Section 241, Act XIX of 1873. Looking to the context, it appears to us that that provision of the law may have been intended to apply to wrongs arising out of or connected with the collection of land revenue, such as suits against the revenue officers for the illegal exaction of revenue or for the illegal issue of process. In such cases, the claim arises out of a wrong done in the collection or connected with the collection. In the case before us the plaintiff seeks no remedy for a wrong done to him in the collection of revenue or arising thereout, because, assuming the revenue to have been due, he suffered no wrong in its collection, and certainly no wrong at the hands of the defendants; he sues because he has been compelled to pay a debt for which they were all jointly liable, a payment which gives him the right to call on them for contribution.

It strengthens the view we have taken that, as pointed out by the Judge, neither in the sections of this Act nor in those of Act XVIII which declare what powers may be exercised by the several revenue authorities do we find any mention made of suits of this nature.

SPANKIE, J.—Until the passing of Act XIX of 1873 I am willing to admit that a suit of the nature of a claim for contribution, as this is, would be heard in the Civil Courts. But it appears to me that Act XIX, which is one to consolidate and amend the law relating to land revenue and the jurisdiction of the revenue officers, aims at keeping in the hands of those officers the settlement of every dispute connected with the collection of revenue, whether such disputes arise between the revenue-payers them-

selves, or between the Government officers and the revenue-payers.

The question that we have to determine is whether or not the suit involves a dispute regarding one of those matters included in Section 241 of the Act, over which the section declares, in so many words, the Civil Courts shall exercise no jurisdiction.

Now Cl.(i) of the section provides for claims connected with or arising out of the collection of revenue (other than claims under Section 189), or of any process enforced on account of an arrear of revenue. The exception relates to proceedings taken under Ch. V of the Act to enforce the recovery of any arrears of revenue against a person. He may pay the amount under protest to the officer taking the proceedings, and upon such payment the proceedings shall be stayed, and the person against whom such proceedings were taken may sue the Government for the amount so paid in any Civil Court in the district where such proceedings were taken. Here, possibly, the party who brings the suit may contest altogether any liability to pay revenue to Government, or that only a portion of what was taken was due from him, because the latter part of the section allows him to give evidence of the account which he alleges to be due from him, notwithstanding the provisions of Section 149. This section declares that a statement of account certified by the tahsildar shall be conclusive evidence of the existence of the arrear, of its amount, and of the person who is the defaulter.

Cl. (i) appears to provide generally for any dispute being a claim connected with or arising out of the collection of revenue, or any process enforced on account of an arrear of revenue as in this case, in which the tahsildar enforced the joint and several responsibility of the proprietors declared by Section 146, by calling upon the plaintiff to pay Rupees 1,293, which sum was not the proportionate share due by himself but included also the quota due by 38 other persons.

This is not a case of a lambardar suing under Act XVIII of 1873 for arrears of revenue payable through him due by the co-shares whom he represents. It is the case of a pattidars who is known or supposed to be solvent, who is made to pay what other pattidars owe, or refuse to pay contumaciously or from design, or by the reason of some dispute in the patti. The revenue officer has done no wrong to the plaintiff in getting the arrears out of him. It is not pretended that he has made the plaintiff pay more on his own account than he is bound to pay. He has simply enforced against him the common liability of the pattidars, for which he also made himself responsible.

It is contended that the plaintiff does not seek a remedy for wrong done to him in the

collection of revenue, because, assuming the revenue to be due, he suffered no wrong in the collection, and none at the hands of the defendants. But it is, I think, apparent that whatever he has suffered is owing to the conduct of the defendants, and the enforced payment by him of revenue due by them has given to him the right of forcing them in return by suit to re-imburse him. In the course of such a suit it would not be sufficient for the plaintiff to produce the revenue officer's receipt for Rupees 1,293. He would have to show what was the amount due by each of the pattiars, and they would have to account for not having paid their quota. It may surely be assumed that existing disputes connected with or arising out of the collection of the revenue (very large and wide words) would be disclosed in the suit disputed, which, in my opinion, the legislature intended should be heard and determined by the revenue authorities.

Such a claim as the one before us seems to me to arise out of the collection of the revenue and the enforcement of the plaintiff's liability to pay the arrear due by his co-sharers, and it is, I think, included in Cl. (i) of the section. If this be so, then, in the last words of the section, "in all the above cases, jurisdiction shall rest with the revenue authorities only."

Thus the first words of the section bar the jurisdiction of the Civil Courts in any of the matters included in the section, and its last words declare that the revenue authorities only shall have jurisdiction. If the claim is one that will come under Cl. (i) of the Section, the Civil Courts can take no cognizance of it.

But the Judge finds that there is no special provision for the hearing of this particular class of suit by the revenue authorities, and that the prohibition entered in the last clause of section 241 applies only to those cases for which there is a special provision. I do not understand whether the Judge means that a suit of this nature is not mentioned in Section 241, or whether he means expressly that no power is given to revenue officers elsewhere in the Act to hear suits of this nature.

As to the first point, some confusion is caused by regarding this case as a suit. It is sufficient that the dispute between plaintiff and defendants should be one connected with or arising out of the collection of the revenue. Being one of that description, it would be one of "the matters" over which the Civil Court could not, and the revenue authorities alone could exercise jurisdiction. As to the second point, the jurisdiction being with the revenue authorities, those authorities must be one or more of the officers named in Section 207, the Commissioner, Collector, Assistant Collector, Officer in charge of a Settlement or Assistant Settlement Officer, or a tahsildar. Any one of those

officers can summon persons before him, if he considers their attendance necessary for the purpose of any investigation, suit, or other business before him (Section 208), so it is not only suits that may be tried under the Act. The Act recites the powers of Collectors and Assistant Collectors generally and also particularly, and Collectors, in addition to their own powers, may exercise the powers of Assistant Collectors, and Assistant Collectors in charge of a sub-division exercise the same powers that a Collector could if there was no sub-division subject to the control of the Collector. It is true that there is no particular mention of claims under Cl. (i), Section 241, outside that section. But Section 241 is a portion of Ch. VII which, amongst other matters, treats of the powers of Collectors and others. Section 241 expressly gives to those officers as revenue authorities alone the power of dealing with the matters contained in it. And where this is the case, it seems to me to be idle, in this particular reference, to raise any difficulty regarding the revenue officer who is to determine any one of the matters contained in the section. If this is one of those matters referred to in Cl. (i), Section 241, no want of clearer specification of the powers of the different revenue authorities, no omission of the class of case outside the section, and no ambiguity or defect in the Act, can give the Civil Courts the jurisdiction which the opening words of the section expressly bar.

I would answer that this case should be heard by the revenue authorities.—*The Indian Law Reports, Part 1, Allahabad Series, Page 26.*

## HER MAJESTY'S PRIVY COUNCIL.

### [MADRAS CASE.]

*Impairable zemindary — Succession — Written authority to adopt — genuineness of authority contested.*

*A, the holder of an impairable zemindary, died without legitimate male issue, but he left a widow, B, then enciente. C, a half-brother of A, was declared to be the undivided brother and the person who, according to the ordinary law of succession, was entitled to succeed to the zemindary on failure of B begetting a male child. B subsequently adopted a son, and alleged that her husband had executed in her favour a written authority to adopt a son in the event of her begetting a female child. The*

questions for decision were whether the written authority to adopt was in fact executed by A, and if not, whether the adoption is not nevertheless valid according to the law prevailing in the Madras Presidency as one made by a widow without express authority from her husband, but with sufficient sanction and consent on the part of her husband's relatives.

**HELD,** that the alleged written authority was one which bore the genuine signature of A; and as containing a disposition which he was likely to make; that it was a valid authority to adopt executed by A.

Judgment of the Lords of the Judicial Committee of the Privy Council, on the appeal of Sri Viradhi Pratapa v. Sri Brozo Kishoro Puttu Deo, from the High Court of Judicature at Madras, delivered 24th March\* 1876.†

*Present.*

SIR JAMES W. COLVILE.

SIR BARNES PEACOCK.

SIR MONTAGUE E. SMITH.

RAJAH ADIKONDA DEO, the then holder of an imparible zeminary in the district of Ganjam, which in these proceedings is called sometimes Chinnakimidy, and sometimes Pratapagheri, died on the 23rd November 1868. He left no legitimate male issue, but a widow, then *enciente* whom it will be convenient to designate by her title of Mahadevi. He had, however, several natural sons, one of whom, Ramakrishna Deo, contrived, on the death of his father, to be invested by some of the retainers with the "Sadbi," and asserted a claim to the zeminary on the ground that he was in fact legitimate, and had been designated by Adikonda as his successor in an *urzi* signed by him on the 19th November, and forwarded to the Collector. This claim has since been found to be groundless, and may be treated as no longer existent.

The appellant Raghunadha, who was a half-brother of the deceased Zemindar, must now be taken to have been an undivided brother, and the person who, according to the ordinary law of succession, was entitled to the zeminary on the death of Adikonda without a legitimate son, either procreated or adopted.

It is necessary, in order to explain some parts of the subsequent history of the case, to observe that the question of succession, when

it first arose, was further complicated by the fact that the zemindary, though permanently settled, was one of those as to which it was then conceived that, owing to the omission to issue a permanent Sunnad, the Government of Fort St. George had retained the right of nominating on the death of each successive holder his successor. The confirmation by this Board of the decision of the High Court of Madras in the Marangapury case (see Law Reports, 1, Indian Appeals, p. 282) has since established that there was no legal foundation for this pretention on the part of Government; and it must now be taken to be settled law that the title to the zemindary is to be determined by the ordinary law of succession in like cases.

On the day after that of the death of Adikonda, i. e., on the 24th November 1868, the Mahadevi addressed an *urzi* to the Collector (p. 143), in which she stated the death of her husband; that the family was composed of women and children; that she had then none legally entitled to the taluk, but was three months gone with child; and prayed to be intrusted with the care of this taluk. In this document she made no mention of an authority to adopt.

It is shown, however, beyond all question, by the Collector's letter of the 2nd December 1868, which is recited in the proceedings of the Board of Revenue at p. 105 of the record, that before that date he had received a second *urzi* or letter from the Mahadevi, in which she had alleged that it was her husband's express wish that, in the event of her having not a son, but a daughter, she should adopt a son. And if the exhibit R at p. 64 of the record be that second *urzi*, or a true copy of it, there can be no doubt that as early as the 26th November 1868, the Mahadevi had asserted publicly that her husband had, on the 20th of that month, executed in her favour a written authority to adopt a son in the event which afterwards happened. The confusion which seems to have taken place in the Civil Court, with respect to the proof of exhibit R, has given rise to a controversy on its authenticity which will be afterwards considered. But whatever may have been the precise contents of the second *urzi*, it is unquestionable that as early as the 11th December, the Mahadevi presented a formal petition to the Government of Fort St. George, in which she stated that Adikonda before his death executed and gave to her a patrica or will containing words to this effect: "You have now conceived; if you bring forth a male child, he will be a Rajah to the taluk; in case of a female child, you are authorized to select a good child for the seat;" and that in several subsequent petitions and applications she persistently put forward and relied upon a written authority to adopt executed by her husband. One of these, bearing date the 18th March 1869, stated the date of the instrument

\* This judgment was posted in London on the 31st March.—ED. M. J.

† "Republished from XI, Madras Jurist, p. 188."—ED. R. R.

to be the 20th November 1868; and in most of them she claimed to be heiress to the zemindary in default of a legitimate son, natural or adopted, of her husband. Raghunadha seems on his side to have been also asserting his claim before the Government and the Revenue authorities.

The action taken by the Government of Fort St. George was as follows:—

The Board of Revenue, on the report of the Collector, had on the 7th January 1869, expressed its opinion that Raghunadha had the best claim to the zemindary, provided the Mahadevi did not give birth to a son; but that if she should have a son that son ought to succeed. Thereupon Government, on the 1st March, ruled that a posthumous son would be entitled to the inheritance, and directed the Collector to take such measures as he might think fit to ascertain whether the widow was really pregnant, and to verify the sex of the child when born. To the widow's repeated applications it made answer that the claim to the zemindary was under consideration. On the 11th July 1869, the Mahadevi was delivered of a daughter, and on the 17th September in that year Government, in the exercise of its supposed power, and on the recommendation of the Collector, supported by the Board of Revenue, resolved (p. 143) to recognize Raghunadha, who had been reported by the Collector to be the undivided brother of the deceased Zemindar, as the successor to the Chinnakimidy estate; thereby over-ruling the Mahadevi's claim to be heiress to her husband; and ignoring her asserted right of adoption.

Pending these proceedings there had been litigation between the Mahadevi and Raghunadha touching the right to a certificate, under Act XXVII of 1860, for the collection of the debts due to the deceased Zemindar. This was determined in favour of the Mahadevi by the Civil Judge on the 31st March 1869. But on the 11th February 1870, his decision was reversed by the High Court, and the certificate granted to Raghunadha, apparently on the general ground that the claim of an undivided brother was preferable to that of a widow, and that there was no satisfactory proof of division.

For some short time after the determination of the Government in his favour, Raghunadha and the widow seem to have lived together in amity. She retained, apparently with his consent, the custody of the keys of the goutaghors, or treasures, in which the jewels, cash and other valuables that had been left by the late Zemindar were kept; but allowed Raghunadha to receive thereout both jewels and cash for the purposes of his installation, which took place on the 1st February 1870. He again was in correspondence with the Collector in Novem-

ber, touching the villages to be assigned to her for her maintenance (pp. 115 and 116); and speaks of their friendly relations, although in one of his letters he complains that Haribondha Sumanto and two or three more wicked persons were "making intrigues and giving evil advice." But this state of amity, if it ever sincerely existed, was of brief duration. In the course of 1870 the parties again plunged into active litigation. In his suit numbered 9 of that year, Raghunadha sought to recover from the Mahadevi the jewels and cash in the goutaghors, greatly exaggerating their amount and value, as property to which he was entitled as Zemindar. In her suit, No. 12 of 1870, she sought to recover from him the particular jewels and cash which had passed from her to him on the occasion of his installation, alleging that he had received them by way of loan or a promise to restore the former, and repay the latter. Her suit was ultimately dismissed on the ground that she had failed to establish any such contract. In the other suit the material issues were whether Raghunadha was the undivided brother of Adikonda, or separate in estate from him; whether the Mahadevi, as widow of Adikonda, was entitled by right of succession, to the money and jewels left by him; and if not, whether Adikonda had made to her at the time of his death a gift of them that was valid against Raghunadha.

In this suit, the Civil Judge found that Raghunadha, the plaintiff, was the undivided brother of Adikonda, and that Adikonda, at the time of his death, did not make a gift to his wife of any part of the property then in dispute. He found, however, in the first instance, upon the second issue, that the Mahadevi, as widow of Adikonda, was entitled to all the money and jewels left by him; proceeding, apparently, on the ground that, inasmuch as each succeeding Zemindar must be taken to have held the estate by virtue of a new grant from Government, he held it as self-acquired property; and consequently, that, on his death, his personal assets would pass to his widow, to the exclusion of his brother. Before, however, a final decree had been drawn up in this suit, the Marungapury case was decided by the High Court of Madras; and the Judge therupon granted a review of his decision. On that review, he found that the Mahadevi, as widow of the late Zemindar, was not entitled to the money or jewels left by him; and, finally, made a decree in favour of Raghunadha, but for an amount much less than that claimed by him. There was no appeal against the decrees in these suits. They decided as between the Mahadevi and Raghunadha that the status of the family was that of non-division; and that Raghunadha, being in default of male issue, of Adikonda entitled to the estate, was entitled to the jewels and cash as appurtenant thereto. They have, however,

little hearing on the questions now to be determined; although some of the depositions taken in them have been relied upon as affecting the credibility of the testimony given by the same witnesses in the present suit.

Pending these two suits of 1870, and on the 20th November in that year, the Mahadevi adopted the present respondent. He was the son of the Zamindar of Peddakimidy, who is admitted to be a sapinda of Adikonda Deo, though separate in estate from him; both families being, as shown by the pedigree at p. 19, derived from a common ancestor, Parushottama Deo. Nor is the validity of the adoption impeached, except on the ground that the Mahadevi had not sufficient authority to make it.

On the 15th December 1870, the respondent, by his adoptive mother and guardian, commenced his suit for the recovery from Raghunadha, of the zamindary and of all the property appurtenant thereto, with mesne profits. The defendant, Raghunadha, originally set up, by way of defence, that his title as Zamindar appointed by Government could not be questioned. But it is now admitted that, since the decision of the Marnnagapury case, this defence cannot prevail; and that the only questions to be decided are, whether the exhibit Q, which is propounded as the written authority to adopt, of the 20th November 1868, was, in fact, executed by Adikonda Deo, and, if not, whether the adoption is not, nevertheless, valid according to the law that prevails in the Presidency of Madras, as one made by a widow, without express authority from her husband, but with sufficient sanction and consent on the part of her husband's relatives.

The Civil Judge decided both these questions against the respondent. He came to the conclusion, both from external and internal evidence, that the document was a forgery; he was also of opinion that the requisite assent to an adoption, in the absence of an authority from the husband, was not given, and consequently that the adoption was not valid as against the defendant. The High Court inclined to the opinion that Q was, in fact, executed by Adikonda, but did not go very much into the evidence for or against the document; being of opinion that, even if no express authority was given by Adikonda, the adoption by the widow, being made with the consent of one of his sapindas (the father of the child adopted), was valid by the law of Madras.

Their lordships propose to consider, first, whether Q was, in fact, executed by Adikonda.

It has been strongly urged upon them that the judgments of the two Indian Courts upon this question, though not concurrent, are not directly conflicting, the High Court having

omitted to find that the document is genuine, or fully to consider the evidence concerning it; that in this state of things, their lordships cannot safely over-rule the decision upon a question depending mainly on the credibility of conflicting witnesses, of a Judge of great local experience, who saw and examined those witnesses, and has expressed his conclusion in a judgment that demonstrates with what remarkable care and industry he tried the cause.

Their lordships are by no means insensible to the force of the general proposition involved in this argument. That force, however, seems to them to be somewhat diminished by particular circumstances in this case. They consider that the voluminous judgment of the Civil Judge deserves the credit due to a most painstaking endeavour to arrive at the truth in a difficult case. But its excessive elaboration tends to impair its value by defeating the proper object of a judgment, which is to support, by the most cogent reasons that suggest themselves, the final conclusions at which the Judge has conscientiously arrived. This document records the fluctuations of the Judge's mind from day to day in the course of an exceptionally long trial; the effect, often temporary upon him of a particular piece of evidence or argument of counsel: it subjects every witness to criticism more or less unfavourable; and from this mass of often conflicting statements, it is not easy for a Court of Appeal to extract the precise grounds on which the final conclusion rests.

Again, the Counsel for the respondent have strongly insisted on the objection to the authority of this judgment, which they founded upon the observations of the learned Judge in paragraph 62, &c. (p. 376). It must be admitted that the passage is ambiguous. If it means only that where a case has been manifestly proved to be false (as, e.g., if Q had been shown to be written on a stamp paper purchased after Adikonda's death), it is unnecessary to weigh general probabilities, the observation is a mere truism; since it is obviously idle to inquire whether it was likely a man should do that which it has been demonstrated he never did. On the other hand, if it imports that the Judge refused to weigh the probabilities of the case, because he believed one set of witnesses rather than the other, it would support the objection taken, viz., that in forming his belief he had excluded from his consideration that which ought to have entered into it. Their lordships, however, upon a review of the whole judgment, are of opinion that, in whatever sense the learned Judge made the observation in question, he did not, in fact, fail to consider the probabilities of the case. Whether he gave due weight to them will be afterwards considered.

A more substantial objection to the judgment is that it does not dispose of the question as it was presented by the parties. The learned Judge was not content to find that Q was a forgery. By a careful examination and comparison of it with admitted signatures of Adikonda, he satisfied himself that the signature purporting to be that of Adikonda was itself forged. Yet the appellant (p. 255) had admitted that that signature, and the sankhu and chakrum (the emblems on it) were of his brother's hand-writing; and the case made by him and his witnesses was that the forgery was effected by filling up, after Adikonda's death, a blank paper, which had these genuine marks and signature upon it. Their lordships agree with the Judges of the High Court in thinking that little weight ought to be given to a comparison of Oorya hand-writing by an European Judge, however skilled and experienced, when opposed to the admissions of those who dispute the document. They feel bound, therefore, to assume, and that has been almost admitted in the argument addressed to them on the part of the appellant, that the signature of Adikonda upon Q is of his hand-writing. It is obvious, however, that the erroneous conviction of the Civil Judge to the contrary may greatly have biassed his estimate of the credibility of the plaintiff's story, and may have prevented him from duly weighing the improbabilities of that told by the defendant, which he did not adopt. The genuineness, therefore, of the signature of Adikonda, is a circumstance which materially detracts from the general value and authority of the judgment of the Civil Judge; and their lordships cannot but feel that they have to determine the question before them upon the evidence taken in the cause, without the assistance which they generally find in similar cases in the judgment of one or the other of the Indian Courts.

That there is in this case a strong antecedent probability that Adikonda did authorize an adoption is incontestable. It does not rest upon the mere presumption that on his death-bed he would desire to perform that general duty of imperfect obligation which prompts a childless Hindoo to supply the want of natural male issue by adoption. It is shown that the brothers, though legally undivided, were long on bad terms with each other. The strife began, as appears by the Collector's letter at page 106, on the death of their father in 1835 when there was a dispute as to their succession to the zemindary, Raghunadha claiming it as the eldest son of the then Mahadevi, though younger in years than Adikonda, who was born of a wife of inferior rank. This controversy was determined by the then Government, in the exercise of its assumed power, in favour of Adikonda. The strife, however, was embittered by subsequent quarrels between the

brothers, and by the desperate attempt of Raghunadha as late as 1852 to oust his brother by proving him to be illegitimate. In these circumstances, whatever may have been the precise relation of the brothers during the later years of their joint lives, there is a high degree of probability that Adikonda would desire to retain, by all means in his power, the zemindary in his own line; and would be unwilling to expose the wife, to whom he was attached, to the chance of falling from the rank which even as adoptive mother of a reigning Rajah she would possess, to that of a widow entitled only to be maintained, however honourably, by her brother-in-law.

There being then this antecedent probability that he would execute some such document as that which bears his admitted signature, what is the direct evidence to show that he really did or did not execute it. The witnesses, whose names are upon it, are Sumanto the Treasurer, Siva Purohit, now the Dewan of Raghunadha, but formerly the servant in the like capacity, first of Adikonda, and afterwards of the Mahadevi, Balaji, the scribe, and Damapattojosi the Purohit. Of these, the two former are the only subscribing witnesses in the strict sense of the term; Balaji signing only as the writer of the instrument; and Damapattojosi, though named as a witness, not having signed at all. Again, the only one of the four who deposes to the execution of the instrument is Sumanto. His story (page 215) is that on the 20th November (*i.e.*, on a day between which and the day of the Rajah's death two clear days intervened), at about 3 p.m., the Rajah sent the Peon Narayani to call in any respectable people (Bollolokho) that might be in the outer hall (Sodoro); that the Peon returned with Siva Purohit, Damapattojosi, Bodhrosanto, Bhagirathipani and Balaji; two other persons, *viz.*, Boyidaorahu Gouro Bondhari, being already in the room when the order was given; that Balaji was then sent out to bring paper, pen and ink; that on his return he wrote the authority to adopt under the Rajah's dictation, making first a draft and afterwards a fair copy; that the list of witnesses which appear in Balaji's hand-writing on it was also written at the Rajah's dictation, first in the draft and then in the fair copy; that the subscribing witnesses Siva Purohit and the witness himself then signed, Damapattojosi excusing himself, with the Rajah's consent, from signing, on the ground that he was an old man, and could not see; that Balaji also wrote his name as the writer of the document; that the Rajah himself traced the sankhu and chakrum at the top, and wrote his own signature at the bottom of the document; that they all wrote with the same pen dipped in the same ink-bottle; that it took about 2 ghadyabs (one and half hour) to com-

plete the transaction ; and that afterwards and when about the same space of the day remained, the witness, by order of the Rajah, took the document to the Mahadevi, who, while it was being prepared, was in "the chapel," being a room near that of the Rajah, and put it on the threshold, the door being ajur. The witness also states that nearly two ghadyahs before this, and previously to the preparation of the document, he had taken to the Mahadevi, by order of the Rajah, the keys of the Treasury House, and had said to her "The keys of the other Treasury House were given you, now keep the keys of this Treasury and all the property therein."

This witness directly contradicted by the three other persons, whose names are upon Q, Siva Purohit, Balaji, and Damapattojosi. Their testimony in this suit is to be found at pages 189, 269, and 267 of the Record. The account which they give of the fabrication of Q is the following : About ten, or at most twelve days after the death of Adikonda, Sumanto brought to Balaji a paper, having upon it Adikonda's signature, and the sankhu and chakrum, but otherwise blank, together with a draft, and told him to fair-copy the draft upon the blank paper. Balaji, according to his own account at first refused, but afterwards obeyed. The result was Q, as it now stands, with the exception of the signatures of the subscribing witnesses. The paper in that state was given by Balaji to Sumanto, who took it to Siva Purohit for his signature. He swears that he refused to sign it, and denies that the signature upon it which purports to be his is of his hand-writing. The value of that denial will be presently considered. The paper was subsequently (*i.e.*, about fourteen days after Adikonda's death) taken by Sumanto to Damapattojosi, who also swears he refused to sign it as witness.

The question is which of these two stories is to be believed. The last their lordships think must be taken with the qualification that, notwithstanding the denial of Siva Purohit, the disputed signature is of his hand-writing. That it is so was found by the Civil Judge, and his finding does not depend on mere comparison of hand-writing. Its correctness seems to their lordships to be placed beyond doubt by the exhibit LL page 3, in which, writing to Iswara Patro as late as the 10th July 1869, he speaks of the document executed by the late Rajah to the Mahadevi, and urges his correspondent to use his best endeavours to get from Government a recognition of it. It is clear, therefore, that if Q be a forgery, Siva Purohit was at one time a consenting party to that forgery. The Civil Judge has undoubtedly recorded a most unfavourable opinion of Sumanto. He says of him : "H. S. lied and prevaricated grievously. I could not believe

anything one bit the more readily from the fact that he asserted it" (Judgment, paragraph 54, page 320). Yet the credibility of this witness, however small, is nevertheless superior to that of Siva Purohit and Balaji. Notwithstanding his demeanour he may have told what is substantially a true story ; whereas the others must either have been guilty of perjury in this suit, or have been conscious actors in an antecedent forgery. Damapattojosi is not open to this imputation, and is apparently a more respectable witness. All that the Judge says against him is, that "he protested too much." But there is a high degree of improbability in his story.

The *prima facie* improbability that there should exist any blank paper with the genuine signature of the deceased Rajah upon it, is no doubt removed by the evidence of Binayaka (p. 263), and the production of the four blank papers similarly signed, which that witness swears he discovered eighteen months before he gave his deposition (*i.e.*, early in 1870) in the late Rajah's record box. There is, however, no proof that at the time when Q is said to have been forged any such papers had been found ; and the subsequent discovery of them may have suggested the present answer to the plaintiff's case. If, however, it be assumed that the supposed forgers had but one such paper in their hands ten days after the late Rajah's death, it is obvious that such a paper was very precious ; and it is inconceivable that they would have inserted Damapattojosi's name in the list of witnesses until they were assured of his willingness to sign. If, again, they had then in their hands more than one such paper, they would naturally, on Damapattojosi's refusal to join in the conspiracy, have destroyed it, and fabricated a similar instrument on which his name should not appear. The story then told by him is less probable than that told by the plaintiff's witnesses in order to account for the non-signature of it by him ; for he is shown to be a person of weak sight, and not to have been in the habit of writing with a pen. All these three witnesses against the document are shown to be now more or less dependent upon the defendant ; and there is little, if any, other affirmative evidence in support of the defendant's case.

On the side of the plaintiff, however, there is a considerable amount of direct testimony in confirmation of that of Sumanto.

Of the witnesses in this category who are vouched by Sumanto as present when it was prepared and executed, are Boyidurahu, the native doctor and Gonro Bhondhari, the barber ; who are said to have been with the Rajah when he sent the Peon to call in the respectable people ; Narayana Bisoyi the Peon sent ; and Bordhono Santo, and Bhaghirathipani,

who were brought in with Siva Purohit, Damapatrojosi and Balaji. They generally confirm Sumanto's account of the transaction. It is true that all are more or less discredited by the Civil Judge; that the barber is not relied upon even by the respondent as worthy of credit; and that the evidence of the Peon, who says he was not continuously in the room, is of little value. But the others, particularly Bordhou Santo, who was related by marriage to Adikonda, seem to be of respectable position, are persons who were not unlikely to be present; and their statements, notwithstanding some slight discrepancies, in the main confirm Sumanto's account of the transaction. In further corroboration of the plaintiff's case his counsel rely on the evidence of the Mahadevi and of Iswara Puttro.

The latter is the vakeel, who, in 1868 and 1869, prosecuted the Mahadevi's claim before the Government at Madras. He seems to have been employed as a vakeel by Adikonda in his lifetime; and there is nothing to impeach his general respectability. His testimony is to the effect that having been sent for by the Rajah, on account of some pending suit, he was at the house after the execution of Q; and that on the next day, that is, on the 21st November, the Rajah being then in full possession of his faculties, told him that he had the day before executed in the Mahadevi's favour a written authority to adopt. This evidence does not justify the observation of the Civil Judge that "it amounts to nothing," since, if believed, it would establish a clear admission by the Rajah of his antecedent act. It is, however, open to the exception taken by Mr. Norton, viz., that it is but evidence of an oral admission, said to have been made by a deceased person, and, as such, incapable of contradiction, and open to suspicion. His presence, moreover, at the place at the time in question is not sworn to by any other witness, and is not very satisfactorily accounted for.

The evidence of the Mahadevi (p. 205) is to the effect that on the morning of the 20th November she was weeping over the Rajah, who was very ill; that he told her in the event of her not having a male child to adopt one, and promised to give a written authority for the purpose; that in the evening of that day whilst she was sitting within her room with the door a little ajar, Sumanto brought a paper and left it on the threshold, saying it was the authority to adopt; that afterwards, and when the lamp was lighted, i.e., after sunset, she took the paper to the Rajah, nobody else being in the room; that he took it from her and said, "I have given you written authority—you are pregnant. You will bring forth a male child, if not you will adopt," and then returned it to her, and that she afterwards kept it in her box. She identified Q as that paper. She

further deposed that the key of the goutaghoro was brought to her by Sumanto before he brought the document; and afterwards, in answer to a question not given in the record, said, "The keys and this written authority were given to me in the evening when there were two ghadies to sunset."

Of this witness the Civil Judge (p. 320) has recorded the following opinion:—"On the face of her deposition, I see no reason to think her untruthful, but rather the contrary; and yet in O. S. No. 9 of 1870 she put forward, and supported with much evidence, three assertions on important facts which have been declared false, or have been disbelieved, viz.—(1st), division between Adikonda and the defendant, it being admitted by her in this suit that they were undivided; (2nd), an examination of the treasuries showing that they contained but a small sum, with a view to reduce the amount recoverable by the plaintiff against her, if he should be successful in that suit; (3rd), the gift of the jewels and cash by Adikonda to her. And now she has put forward Q, which is certainly a forgery; she has supported it with much evidence; she has sworn that Adikonda himself, in speaking to her, acknowledged it as his; and she has contradicted the story told by all her witnesses."

Of the objection to the Mahadevi's credit, which the learned Judge finds upon Q, and the evidence given by her in support of its execution, it is enough to observe that he thereby begs the question which he had to try, viz., whether it was a forgery or a genuine instrument. He would hardly have done this if he had not previously, and by comparison of hand-writing, satisfied himself that the signature of Adikonda was itself forged. That this foregone conclusion, which must now be taken to be erroneous, must materially have affected his general estimate of the credibility of the plaintiff's witnesses is therefore shown by the passage just cited from his judgment. Nor do their lordships attach much more weight to his other objections to this lady's credit. They do not find any material contradiction between her statement in this suit and those of the other witnesses. There is undoubtedly a discrepancy as to the time when the key was delivered (as to which only Sumanto and the native doctor speak.) But that the Mahadevi, a native woman examined from behind the Purdah, should have made some confusion as to the time that elapsed between the two acts of delivery does not, in their lordships' view, materially affect her credit. Again, her contention in the former suit that her husband and the defendant were undivided brothers, may, under the circumstances, have been raised *bonâ fide*. The fact which was found against her cannot have been in her own personal knowledge, and it was one

which before that decree was not perfectly clear. That she should have undervalued (if she did undervalue) the amount of property in the gontaghors will surprise nobody conversant with native suits in India. On his side, Ragunadha grossly exaggerated the amount and value of that property. Again, the alleged gift of the jewels and cash to her was no doubt found by the same learned judge against her. There may have been no appeal against his decision (the adoption having then taken place), but it is obvious that the fact of that gift is again in issue in this suit, and that it was more or less determined in the other upon the view which this same Civil Judge then formed of the credibility of the plaintiff's witnesses in this suit. There is, however, one circumstance connected with that suit of 1870 which affects the credibility, not only of the Mahadevi, but of other witnesses for the plaintiff, and ought here to be considered. That circumstance is the date on which the gift was said to have taken place. The Mahadevi, in that as in the present suit, deposed that she received the key and the written authority to adopt on the same day. And this is the story now told by those of the witnesses who in their depositions in the former suit were silent on the authority to adopt. But the date assigned to the gift of the jewels throughout the suit of 1870 was "two days" before the Rajah's death, which, in common parlance, would import, and seems to have been so understood, the 21st November. The date assigned to the transaction in this suit is a date between which and that of the Rajah's death two clear days intervened, i.e., the 20th November.

This circumstance would be almost fatal to the plaintiff's case as to Q, if it were possible to suppose that that case had been got up after the evidence in the jewel suit was given. But the depositions in that suit were taken in December 1870; and when it is shown beyond all doubt that the Mahadevi had at least as early as the 18th March 1869 (in her petition at p. 70), stated the date of the alleged authority to be the 20th November; that the witnesses who impeach Q which bears that date, admit it to have been in existence ten days after the Rajah's death, and say that Sumanto was the concoctor of the fraud; it is impossible to suppose that Sumanto would ever have treated the authority to adopt as executed only on the 21st. Nor, indeed, is it easy to see why the gift of the jewels should have been represented to have taken place on that day. One of the issues contested in the cause was whether Adikonda was of sufficient mental capacity to make the gift; and the nearer to the time of his death the date of the gift was laid, the greater the difficulty of showing his capacity of making it. There may have been some strange confusion in the jewel suit as to the effect of the term

"two days before his death," and misapprehension as to the date to which the witnesses then meant to depose. Their lordships are unable further to explain this discrepancy; but for the reasons above given they do not think that it seriously affects the question now under consideration.

Their lordships desire next to say a few words about two documents of which much has been said in the argument before them.

The first is EE, at page 89 of the Record. Their lordships are not inclined to adopt the statement of the defendant, that he signed this security bond without a knowledge of its contents. They do not, however, attach much weight to the words "as soon as I, or my son, from my giving him in adoption, get possession of our zemindary," as evidence in favour of the genuineness of Q; for the utmost that any inference to be fairly drawn therefrom would establish is, that in January 1869, the defendant knew that the Mahadevi had asserted an authority to adopt (a circumstance which is otherwise probable); contemplated the possibility of the power being established and his son adopted under it; and was persuaded by his creditor to provide against such a contingency. Siva Purohit was at that time acting for the Mahadevi; and if Q were forged, the defendant would not then have had the knowledge which he says he subsequently acquired of the fabrication of the document. The most, then, that can be said of EE, is that it contradicts his statement that he knew nothing of an alleged authority to adopt until a later period.

The other document is R. It is dated the 26th November, and contains a distinct statement by the Mahadevi that her husband, on the 20th November, executed in her favour a written authority to adopt, to the effect of Q. It bears upon it the words (by whom written is not known), "Received 1st December evening, by hand, foul copy." The contention on the part of the defendant is that this document affords no legal proof of the contents of the second urzi, stated in the Collector's letter of the 2nd December to have been received by him from the Mahadevi; and that the terms in which he refers to that urzi are consistent with the supposition that the Mahadevi then put forward only an oral authority to adopt—Q, not having then been fabricated. What the Collector says on this point is:—"In her second (letter) she adds that it was her husband's express wish that, if she brings forth a son, such son should succeed; if a daughter, that she (the widow) should then adopt a son." These terms are not necessarily inconsistent with those of R. All that can be said of them is that they do not state affirmatively that she alleged her husband's wish to have been expressed in writing, or on a particular day.

It is now admitted on both sides that R is not the original urzi; that it is not an official copy of it, which, as such, would be receivable as evidence; and that if grounds had been laid for proving the contents of the missing urzi by secondary evidence, R has not been shown to be a true copy of it. Each side has imputed to the other foul play in respect of this document, but neither hypothesis is supported by proof or probable in itself. The proceedings afford some grounds for thinking that the original urzi, as well as R, was produced from the collectorate, but it seems that, owing to a blunder or, as suggested, a fraud on the part of a vakeel, R was shown to the witnesses who were at first examined upon it as if it were the original, and that the original, if ever before the Court, has slipped out of the record.

It is to be regretted that when the mistake was discovered, and the contest about this document arose, the Civil Judge did not further investigate, by inquiry at the collectorate or otherwise, the history of R, and ascertain what had become of the original urzi. Either party might have called on the Judge to do this, but neither did so. It was suggested by Mr. Norton in his reply, that their lordships might now see fit to direct such an inquiry. They do not, however, think that they would be justified in thus prolonging this litigation, insasmuch as they do not consider that a knowledge of the precise terms of the second urzi is essential to the determination of the issue before them. It is no doubt true that if the second urzi were in the terms of R, the Mahadevi must have asserted the existence of a written authority to adopt bearing the same date and to the same effect as Q, before the date at which Q is said by the defendant's witnesses to have been fabricated. But this circumstance, though it would throw considerable discredit on the defendant's case, would not conclusively disprove it; because it is possible that the document so said to exist, might not have then actually come into existence. Again, if the second urzi were only in the terms of the collector's letter, it would not, as has before been observed, be inconsistent with the existence of a written authority to adopt. Their lordships will, therefore, deal with the questions before them on the assumption that the precise terms of the second urzi have not been proved, and leave the plaintiff to bear the burthen of having failed to establish that, before the 2nd December, the Mahadevi asserted that she had a written authority of a particular date; and the defendant to bear that of having failed to show affirmatively that she then asserted only a parol authority. They now proceed to consider the grave objections to the genuineness of Q, which the learned Counsel for the defendant have founded on the form and appearance of the document.

Their lordships have the original before them, and so far as they can judge, some of these objections are, to say the least, plausible. The list of witnesses in the hand-writing of the writer of the instrument is unusual. It is also unusual for the witnesses to sign before the executing party, and to write their signatures immediately above his. The form of the instrument might naturally be expected to be that of exhibit X d. (p. 77), the translation submitted to Government by the Mahadevi's vakeel with her petition of the 26th July 1869; and it has been contended on the part of the appellant that that exhibit was purposely so modified in order to avoid the suspicions which a more literal translation of Q would have engendered. Lastly, it was contended that the appearance of the document is inconsistent with the evidence which represents that all the signatures were written at the same time, and with the same pen, and the same ink; the fine signature of Balaji being written after those of the subscribing witnesses. Their lordships were certainly at first much impressed by the last objection. It is, however, to be observed that after insisting on the impossibility of all the signatures being written with the same pen, the Zillah Judge, on the 26th November 1871, (p. 311), saw fit to record that, having just had to look again at Q, he thought it quite possible, though not very likely, that with the pen that made the last "ro" of Surnauro's signature, Adikonda might write as well as his signature is written; and a good writer like Balaji might write as finely as his signature is written. Very different appearances may certainly be produced by the same pen and ink when used by different hands; and this is more likely to happen with the coarse ink that is used by the natives of India.

Again, as regards the objection founded on X d., it is to be observed that it seems to be satisfactorily answered by the Judge himself at p. 318, who finds that X d. is, in fact, the translation of a Telugu version of Q, taken down probably by a Telugu man from the mouth of Iswara Puttro, there probably being few persons at Madras who could read or translate an Oorya document like Q.

Of the list of witnesses, it is sufficient to say that it is difficult to see why it should have been inserted in Q, if it were not done by the order of the Rajah. The suggestion on the other side is that it was inserted in order to fill up the space above the Rajah's signature on the blank paper. But surely a forger would have had no difficulty in expanding the document so as to fill up the vacant space. Nor, as their lordships have already remarked, is it likely that a forger would have inserted the name of Damnpaltojosi in that list until he had ascertained whether that person was willing to sign.

Upon the whole, then, their lordships dealing with this document as one which bears the genuine signature of Adikonda; and as containing a disposition which he was likely to make; and weighing the evidence and the probabilities in favour of the plaintiff's case, against the evidence and the probabilities in favour of the defendant's case, have, not without doubt or difficulty, come to the conclusion that the former so preponderates over that the latter they ought to pronounce in favour of Q as a valid written authority to adopt executed by Adikonda on the 20th November 1868.

This finding is, of course, sufficient to dispose of the present appeal; and renders it unnecessary for their lordships to consider whether, if it had been the other way, they could have affirmed the decree of the High Court upon the grounds stated in the judgment of Mr. Justice Holloway. The great importance, however, of the subject induces them to make some observations upon it.

That, according to the law prevalent in the Dravada country, which includes the district in which the Chinnakimidy Zemindary is situate, a Hindoo widow, not having her husband's express permission, may, *if duly authorized by his kindred*, adopt a son to him, is a proposition which cannot now be controverted. The law has been so settled by the decision of this Committee in the Ramnad case; and the principles and authorities upon which it rests are elaborately considered and reviewed, both in the judgment of the Committee, "12, Moore, Indian Appeals, p. 264," and in the judgment of Mr. Justice Holloway in the same case, "II, Madras H. C. R., p. 206."

The two judgments, however, though agreeing in this general conclusion, which was all that was necessary for the determination of the cause, were by no means *ad idem* on several points, and notably on the nature of the authority required.

Mr. Justice Holloway intimated an opinion that, if the requirement of consent is more than a moral precept, the assent of any one of the husband's sapindas would suffice. This Committee was far from adopting that broad proposition. It pointed out that on the question, who are the kinsmen whose assent will supply the want of a positive permission from the husband, the authorities are extremely vague; that there exists a broad distinction between cases in which the deceased husband was a member of a joint and undivided Hindoo family; and those in which, he being separated, the widow has taken his estate by right of inheritance; but that, even in the latter case, the assent of some person who stands to her in the relation of protector may be requisite. It is unnecessary to repeat at large this portion of their lordships' judgment on that occasion,

which is to be found at pp. 441 to 443 of Mr. Moore's Report.

The question has since come before the "Sudr Court of Travancore" in the case reported in the *Madras Jurist*\* of February 1873; and before the High Court of Madras in the present case. In the Travancore case the Court, though a foreign Court not bound by the decisions of this Tribunal, in a judgment of remarkable ability and research, adopted the principles suggested by this Committee as those which should govern the determination of the question in the case of an undivided family, and ruled that the assent of certain separate dayadies of the deceased husband was not sufficient to validate an adoption by a widow, to which the husband's undivided brother and the head of the undivided family had not assented. In the present case Mr. Justice Holloway, adverting to what was said by this Committee in the Ramnad case, concerning an undivided family, observed: "whether this be so or not, it has no application to the present case, in which the property is to be held in severality, and not in coparcenary." And he finally formulated the following propositions:—

1. The adoption by the widow, with the assent of a sapinda is a substitute for the actual begetting by a sapinda.
2. That the argument from analogy is in favour of the assent of one sapinda rather than more.
3. That his assent is not to supply a capacity for rights, but a capacity for action.
4. That proximity to the deceased with respect to rights of property is wholly beside the question, and if this were not so, the rule would be entirely defeated.
5. That in the present case that capacity has been sufficiently supplied, as in the law which this assent of sapindas has superseded, a child begotten by this assenting sapinda would have been undoubtedly legitimate.

Their lordships cannot adopt these propositions as a correct exposition of the law.

They observe in the first place that they are all more or less founded on the assumption that the law of adoption now prevalent in Madras, is a substitute for the old and obsolete practice of raising up seed to a deceased husband by actual procreation; and that the limitations, if any, upon the power to adopt are to be traced by analogy from that practice. In the Ramnad case, (12, Moore, I. A., p. 441) their lordships, after stating their general conclusion, added the following observations:—"They

\* Copies of this may be had of our Publishers.—  
Ed. M. J.

think that positive authority affords a foundation for the doctrine safer than any built upon speculations, touching the natural development of the Hindoo law, or upon analogies, real or supposed, between adoptions according to the Dattaca form, and the obsolete practice, with which that form of adoption co-existed, of raising up issue to the deceased husband by carnal intercourse with the widow. It may be admitted that the arguments founded on this supposed analogy are in some measure confirmed by passages in several of the ancient treatises above referred to, and in particular by the Dattaca Mimamsa of Vidy Narainsamy, the author of the Madhavyam ; but as a ground for judicial decision these speculations are inadmissible, though as explanatory arguments to account for an actual practice they may be deserving of attention."

To these remarks of their predecessors their lordships adhere. They desire further to observe that it is to their minds extremely doubtful whether the supposed analogy is sufficient to support Mr. Justice Holloway's propositions in their integrity. The myth of Satyavaty referred to by Narainsamy, and most of the texts relating to the obsolete practice which are to be found collected in Colebrooke's Digest and elsewhere, all imply an authority external to the widow as the justification of her act, an act repugnant to the general rule of asceticism and celibacy imposed upon Hindoo widows. Most of the texts speak expressly of "the appointed" kinsman. By whom appointed ? If we are to travel back beyond the Kali age, and speculate upon what then took place, we have no reasonable grounds for supposing that a Hindoo widow, desirous of raising up seed to her deceased husband, was ever at liberty to invite to her bed any sapinda, however remote, at her own discretion ; and that his consent, of itself, constituted a sufficient authorization of his act.

Positive authority, then, does not do more than establish that, according to the law of Madras, which in this respect is something intermediate between the stricter law of Bengal and the wider law of Bombay, a widow, not having her husband's permission, may adopt a son to him, if duly authorized by his kindred. If it were necessary, which in this case it is not, to decide the point, their lordships would be unwilling to dissent from the principle recognized by the Travancore case, viz., that the requisite authority is, in the case of an undivided family, to be sought within that family. The joint and undivided family is the normal condition of Hindoo society. An undivided Hindoo family is ordinarily joint not only in estate, but in food and worship ; therefore not only the concerns of the joint property, but whatever relates to their commensality and their religious duties and observances, must be regulated by its members, or by the manager

to whom they have expressly or by implication delegated the task of regulation. The Hindoo wife upon her marriage passes into and becomes a member of that family. It is upon that family that, as a widow, she has her claim for maintenance. It is in that family that in the strict contemplation of law she ought to reside. It is in the members of that family that she must presumably find such counsellors and protectors as the law makes requisite for her. There seem to be strong reasons against the conclusion that for such a purpose as that now under consideration she can at her will travel out of that undivided family, and obtain the authorization required from a separated and remote kinsman of her husband.

Mr. Justice Holloway, however, not directly determining anything adversely to the principle affirmed in the Travancore case, distinguishes the present on the ground that, although the family must be taken to be undivided, the particular property is to be held in severalty and not in coparcenary. It is not necessary for the determination of this appeal that their lordships should decide whether this distinction can be supported, and they abstain from doing so. They may, however, observe that a distinction which is founded on the nature of property seems to belong to the law of property, and to militate against the principle which Mr. Justice Holloway has himself strenuously insisted upon elsewhere (II, Madras H. C. R., p. 229), viz., that the validity of an adoption is to be determined by spiritual rather than temporal considerations ; that the substitution of a son of the deceased for spiritual reasons is the essence of the thing, and the consequent devolution of property a mere accessory to it.

Their lordships desire further to observe, that even if the distinction suggested were adopted, it would be necessary, in order to maintain the present adoption as one duly made without the permission of the husband, to go the full length of ruling that the assent of one separated and distant sapinda (and that the natural father of the child taken in adoption) is an authority sufficient to validate the act.

Mr. Justice Holloway, indeed, in one place treats Raghunatha as an assenting party to the exercise of the power to adopt, though not to the particular adoption.

Their lordships, however, are of opinion that even this general assent is not established by EE, or by the other evidence in the cause. The parol testimony on this point is untrustworthy ; and EE, taking it at its highest, is consistent with the supposition that Raghunatha then intended only to provide for the contingency of the Mahadevi's establishing the authority to adopt, which she said she had derived from her husband, and exercising it in favour of his son. It must, therefore, be taken

that the only sapinda of Adikonda, who is shown to have assented to this adoption, is the Rajah of Peddakimidy, the father of the adopted child; and their lordships have already intimated their grave doubts whether such assent would in any case have constituted a sufficient authority.

In the present case there is an additional reason against the sufficiency of such an assent. It is admitted on all hands that an authorization by some kinsman of the husband is required. To authorize an act implies the exercise of some discretion whether the act ought or ought not to be done. In the present case there is no trace of such an exercise of discretion. All we know is that the Mahadevi, representing herself as having the written permission of her husband to adopt, asked the Rajah of Peddakimidy to give her a son in adoption, and succeeded in getting one. There is nothing to show that the Rajah ever supposed that he was giving the authority to adopt, which a widow, not having her husband's permission, would require.

Their lordships have deemed it right to make these remarks, though not essential to the determination of the present appeal, because this doctrine of the power of a widow, not having her husband's express permission to adopt a son to him, which, before the decisions in the Ramuad case had not assumed very definite proportions, has obviously an important bearing upon the law of property in the Presidency of Madras. It may be the duty of a Court of Justice administering the Hindoo law to consider the religious duty of adopting a son as the essential foundation of the law of adoption; and the effect of an adoption upon the devolution of property as a mere legal consequence. But it is impossible not to see that there are grave social objections to making the succession of property, and it may be in the case of collateral succession, as in the present instance, the rights of parties in actual possession, dependent on the caprice of a woman, subject to all the pernicious influences which interested advisers are too apt in India to exert over women possessed of, or capable of exercising dominion over property. It seems therefore to be the duty of the Courts to keep the power strictly within the limits which the law has assigned to it; and the propositions of Mr. Justice Holloway appear to their lordships calculated unduly to enlarge those limits.

Their lordships have further to observe that the decree, as it stands, makes the defendant accountable for mesue profits from the time when he was placed in possession by the order of Government. That was about September 1869. At that time Raghunatha was, in default of a son of Adikonda, natural or adopted, unquestionably entitled to the zemindary. The adoption took place on the 20th November

1870, and the plaint states that the cause of action then accrued to the plaintiff. The plaint itself was filed on the 15th December 1870, and there is no proof of a previous demand of possession. Their lordships are of opinion that the account of meane profits should run only from the commencement of the suit. They think that the decree, with that modification, ought to be affirmed, and they will humbly advise Her Majesty accordingly. But their judgment must be understood to proceed on the establishment of Q as a genuine permission to adopt; and not upon the ground upon which the High Court principally relied. The costs of the appeal must follow the result.

#### MISCELLANEOUS.

#### THE BEST METHOD OF LAYING OUT AND WORKING SALT-PANS.\*

*(Concluded from page 126.)*

37. The best time to gather the salt is in the early afternoon, when the sun is at its hottest, directly the coolies have finished their midday meal. At that time there is the least chance of the salt being adulterated with magnesic sulphate, which is much more soluble in warm than in cold water. The salt cakes when lifted from the sand rapidly break up. They should be placed in baskets ranged along the pathways, and there left to drain till sundown, when the salt should be carried off and stored. This will necessitate a large number of baskets, but baskets are cheap, and it will be found a real economy to provide them abundantly. The natives lose a certain amount of salt each scraping, a large quantity at the end of the season, through heaping it on muddy pathways, and what they do carry away is more or less soiled. The fresh irrigation should always be let on to the beds as the salt is being gathered, partly with a view to wash it, but more especially to dilute the magnesic chloride in the mother liquors.

38. Two or three hours' draining at the bedside, and the constant drainage in a well-constructed store, shut off from atmospheric moisture, will probably dry this salt better than two or three days' exposure on the ridges, as, if it is made as described, it will not contain any magnesic chloride except that in the bitterns unavoidably in contact with it, and this will drain away in time. If exposed in the open, apart from the chance of its being smug-

\* Report addressed to the Sub-Secretary, Board of Revenue, Madras, by Surgeon J. J. L. Batton, M.D., dated 15th November 1875.

gled away, magnesic chloride will dry on it in the heat of the day, and re-absorb moisture at other times. According to Mr. Pogson's reports our atmosphere contains about 70 per cent of moisture during the salt season, and all ordinary salt must suffer from exposure to this. Natives leave their heaps exposed, apparently through carelessness, but after all it is to their advantage to do so, since the heaps absorb moisture and gain in weight.

39. The salt should be stored on grooved double-inclined planes within the walled enclosures on the platforms. The roof of each heap should be trained up to as acute a gable angle as is consistent with tile coverings, for tile coverings have been proved to be in every respect the best. Here the salt should be allowed to drain, on the platform, for at least three months before being sold.

40. Government has hitherto bought fresh made salt and sold it after its moisture has drained away allowing wholesale dealers 5 per cent for loss of weight. This is hardly fair. A certain percentage for moisture should be deducted from the price paid, or else manufacturers should be compelled to take such ordinary precautions as are described for supplying it dry. Under the present native contract a moist inferior article must be accepted, and this is I think a strong argument in favor of giving large contracts to Europeans. If the European merchants, who now desire to do so, are allowed to manufacture and repurchase wholesale their own salt, this 5 per cent discount will be entirely saved. What the discount loss throughout the Presidency amounts to, I don't know. Last year it was Rupees 1,12,080 at the Madras Kotars alone.

41. Allowing for irrigation purposes one cooly to every five salt-beds, a salt work of 50 acres will require about fifteen permanent coolies in addition to the men in charge of the pumping machinery. At harvesting time extra coolies will have to be employed to carry off and store the salt. In France skilled workmen on the establishment gather the salt from the beds, contractors take it to the platforms and heap it. An allowance of one salt cooly to five beds will not admit of this being done, but it will give sufficient skilled superintendence to the work. At 3 garce per acre per mensem, there will be every fortnight 75 garce to get into store. About 300 coolies will be required to store this in the course of a single afternoon. If 300 coolies are not procurable in the neighborhood, the arrangements sketched will have to be modified, a larger number of permanent coolies employed, bed scraped on different days, &c.

42. I think I have written enough now to enable any one to lay out and work a salt

manufactory as well as can be done in the present state of our knowledge. The arrangements sketched are confessedly imperfect in one very important detail—the stability and permanence of the salt-beds—upon which every thing else depends, and for this reason I have not entered upon the question of cost. The very low estimate of the cost of salt manufacture which I formed in 1872, and published in my first report, was based upon the assumption that the continuance of manufacture depended solely on the weather. Experience has since taught me that this is not the case; it depends also, and to an equal extent, on the stability of the salt-beds. Under the circumstances I would prefer to postpone the consideration of this subject until I had practical experience of clay works on a large scale; but inasmuch as several merchants have lately written to me asking for information on this point, and expressing their willingness to embark capital in salt manufacture, I think I ought to make a few remarks as to its probable cost.

43. I will assume that we have to deal with a plot of 50 acres, though the larger the site the better. The embankments, platforms, supply canals, masonry works, pathways, and condensers, inasmuch as they endure practically for ever, are a sort of real estate, and salt manufacture is only chargeable with the interest on the capital sunk in them. Government has hitherto undertaken the construction and maintenance of the first four items, incomparably the most expensive. Whether this assistance, which has been invariably given to natives, will be extended to Europeans is a question. The fact that, under existing rules, Government retains to itself the power of closing the salt-pans without compensation would, I suppose, affect the decision of this question. Machinery likewise being of a permanent nature, the interest on its cost would alone be debited to the salt. Now it is simply impossible for me to make a correct estimate of the outlay on these works; it will depend so much on the figure or shape of the area and on the levels, but any one who has a mind to manufacture salt can select a site and calculate the cost for himself. The annual charge for repairs will be less than Rupees 30 an acre, or Rupees 1,500. The monthly expenditure on labor will be less than Rupees 200, or in four months Rupees 800. The total annual outlay will thus be less than Rupees 2,300. The produce will be at the rate of 3 garce an acre a month for four months, that is 600 garce at the end of the season, which valued at Rupees 12 gives Rupees 7,200. Deducting the annual outlay we have Rupees 4,900 profit balance to set against the capital invested. A fair practical knowledge of the amount of capital invested may be had by examining the accounts of the Sevandakolam pans opened last October near Tuticorin. The area

of the Sevandakolam swamp was 81·74 acres. It was surrounded by a lofty embankment and a deep canal; another canal about half a mile in length was cut to supply it with sea water; a bridge, sluice-gate, and platforms, &c., were built. In fact it was provided with every requirement for a salt station at a cost of Rupees 13,733-11-9. Supposing that our 50 acre site would cost as much, we have Rupees 4,900 interest on a capital of Rupees 13,733-11-9 which is at the rate of 35 per cent. If Government undertook half the cost of permanent works, the manufacturer would get 70 per cent on his money, and Government would yet escape half the expenditure which ordinarily devolves upon it. If the manufacturer worked, as natives now do, within Government enclosures, he would get Rupees 7,200 interest on Rupees 2,300 expended. This is a small matter no doubt, but there is no reason why a firm or a company should not work hundreds of acres as they do in France. By way of checking the foregoing, I may state that at a rate of evaporation equal to one-third of an inch per diem, and supposing that only 2 per cent of the 2·6 per cent of sodic chloride contained in common sea water was crystallised out, we should get 932 garce of salt from 50 acres in four months, valued at Rupees 11,184. At Sevandakolam in the first season, although all of the site was not cultivated for salt, and work began very late, 877 garce of salt were produced. It should be stated that, with a condensing reservoir containing brine at 6° Beaumé, we should get double the quantity of salt obtainable from sea water, and that with subsoil brine at 12° Beaumé we should get four times the amount, and these conditions of brine are often met with in practice. Mr. Cammiade had brine at 6° Beaumé in his reservoir this season, and a reference to my salt station reports will show that at many places subsoil brine from 9° to 12° Beaumé is habitually used in manufacture. At one place, Vedarniem, in the Tanjore District, the brine in the wells sometimes registers 25° Beaumé, showing that it is saturated with salt.

44. It will be evident from what has been stated that the quality and condition of the salt-beds is a matter of vital importance in salt manufacture. Whilst at Ennore this year I tried with six different materials to make artificial salt-beds which would satisfy the requirements of manufacture in this country. The first bed was made with bricks, laid down on a clay flooring, prepared as in paragraph 27, and covered with shell-lime cement, finished off in the way that verandah floors and masonry baths are commonly finished. This bed was given out on contract and completed at the rate of 4 annas 3 pies a square yard. It was scraped for salt from the beginning of August until the end of September, during which period it was scraped ten times. It did not leak; the salt

was scraped up from it with great ease, and it was of unsurpassable quality; but after the third or fourth scraping, the chunam surface got rough, and towards the close of the experiment it was beginning to scale away in patches. I was not favorably impressed by the behaviour of this bed, but on the other hand it was got ready during the prevalence of showery weather, and was not, therefore, at any time, a first class one. Its area was 76 square yards. It cost Rupees 20.

45. The next bed was made with a quarter of an inch in thickness of Portland cement, floated over a brick "jelly" foundation, laid down on a prepared clay site. It cost Rupees 1-3-9 a square yard, particulars as under:—

	RS. A. P.
Portland cement ... ...	16 14 0
Carriage, that is boat-hire ... ...	0 10 0

#### Making the bed.

	RS. A. P.
Powdering the cement ... 0	8 0
Bricks ... 1	8 0
Carrying bricks ... 0	8 0
Do. sand and water ... 0	6 0
	<hr/> 2 14 0
Total ...	20 6 0

This bed was under observation for a little more than a month, during which period it was scraped seven or eight times. It gave the utmost satisfaction throughout, and did not at the end of the season show any signs of wear. Area 16½ square yards.

46. The third bed was made by floating over a similar foundation half an inch thickness of General Morgan's patent hydraulic cement. It cost 11 annas 2 pies a square yard, as per account:—

	RS. A. P.
General Morgan's cement ...	13 8 6
Carriage, that is cart-hire ...	2 8 6

#### Making the bed.

	RS. A. P.
Carrying cement to the bed. 0	10 0
Bricks ... 1	12 0
Carrying brick, sand, and water ... 0	12 0
Cooly women ... 0	10 0
	<hr/> 3 12 0
Total ...	19 13 0

This bed was also at work for about a month, and was scraped six or seven times. It gave a slightly pinkish tinge to the salt, and showed considerable signs of wear at the end of the experiment. It does not seem to be well adapted to salt works. Area 28 square yards.

47. The fourth bed was formed of artificial stone made with magnesite on the French plan, as follows:—Magnesite or magnesian carbonate was calcined in a kiln just as calcite or marble is to drive off the carbonic acid. It was then mixed with half its bulk of coarse sand and spread out to a thickness of half an inch on a “jelly” foundation similar to that in the other beds. It was then submerged in mother liquor at 28° Beaumé taken from an adjoining bed, and allowed to rest until it hardened, which took about twenty-four hours. The theory of the process is this. Magnesite is reduced by heat to magnesian oxide. This is moulded with coarse sand to any shape required, and thoroughly drenched with a strong solution of magnesian chloride, such as the mother liquor of salt manufacture; the magnesian oxide and chloride combine to form magnesio oxi-chloride, which crystallising compacts the mixture into a hard firm stone. This bed cost 6 annas 5 pies per square yard as per account subjoined. Area 16 square yards:—

*Carriage.*

	RS.	A.	P.	RS.	A.	P.
Railway charge	...	4	4	0		
Cart-hire to chunam factory	0	6	0			
Boat-hire	...	...	0	10	0	
				5	4	0

*Making the bed.*

Bricks	...	...	0	12	0	
Carrying bricks	...	...	0	3	0	
Do. sand and water	...	0	3	6		
				1	2	6
Total...			6	6	6	

I had great hopes of this magnesite bed, and have faith in it still, although this particular bed reported upon was decidedly softening towards the close of the month it was in use. But this bed was made with brine at 28° Beaumé, whereas it should have been made with brine at 38° Beaumé, which makes all the difference, inasmuch as the latter is a strong solution of magnesian chloride and the former is not, so that the conditions for the manufacture of artificial stone were not in this case fulfilled. Brine at 38° Beaumé was not procurable in July owing to the rains. Perfectly pure magnesite can be obtained in abundance in the neighborhood of the Salem Railway Station, and I would recommend this rock for further trial. The construction of this bed might be cheapened by burning the magnesite at Salem before sending it by rail to Madras.

48. The fifth bed was made with gypsum. Lenticular fibrous crystals of gypsum are to be found in the soil about many salt stations. In fact calcic sulphate is contained in sea water, and gypsum is a bye-product of salt manufacture. I drew attention to the presence of

gypsum at the Chunampett Salt-pans, South Arcot, and I find that similar crystals are plentiful at Ennore. At 275° Fahrenheit gypsum abandons its water and changes into anhydrous, often called plaster of Paris, which again on the addition of water rapidly recrystallises into a solid mass. Such is the explanation of its action. Inasmuch as gypsum, if heated to redness, melts and changes into anhydrite, which will not take up water, I had to burn the crystals in chatties under my personal supervision, and the resulting anhydrous was ground to powder, in detail, in stone mortars. The expense of preparation was in consequence very great, greater than that of procuring the mineral. In practice this would not be the case, and the cost per square yard would be very much less than it is shown in the following account. Area 16 square yards:

Gypsum	RS.	A.	P.	RS.	A.	P.
	...	...	...	3	14	9
<i>Making the bed.</i>						
Preparing gypsum	...	4	8	0		
Bricks	...	0	12	0		
Carrying bricks and water	0	7	0			
				5	11	9
Total...				9	9	0

Half an inch in thickness of the anhydrous powder was spread over the brick concrete bed as in the last case and watered. It set with such rapidity that in ten minutes the coolies walked upon it, but I found that the upper surface in crystallising had in many places formed a crust, which prevented water from percolating through the whole thickness of the material, and these crusts subsequently breaking spoiling the bed. The powder should have been first thoroughly mixed into a paste or plaster with water and then laid down. Knowing how quickly it set, I did not think my coolies could do this and lay it level and smooth in time. Further experience of this material for salt-beds is desirable. True plaster of Paris has the adjoining composition. An attempt might also be made to manufacture and apply it to the wants of salt culture.

49. The sixth and last bed was made with a hydraulic cement of my own design, containing 25 per cent more lime than Portland cement, manufactured at the Government Kilns with Ennore carbonaceous clay, containing 75 per cent of sand, supplied by me. The Superintendent, Northern Range, states that it was made in the following manner:—

“The clay was broken up into cubes of about

half an inch, dried, weighed, and ground, to which was then added one and a half times its weight of slaked shell lime and thoroughly mixed. This mixture was then made into a thick paste, ground in a mill, made up into balls of about three inches in diameter, dried, burnt, and then ground into a fine powder." This bed cost 8 annas 7 pies per square yard, inclusive of carriage of materials from Ennore, to and from the Government Kilns, Madras, as per account. Area 27 $\frac{1}{2}$  square yards.

	RS. A. P.	RS. A. P.
Digging clay and boat-hire		
to Madras ... ... 2 6 0		
Boat-hire from Madras ... 1 4 0		
	<hr/>	3 10 0
Chunam ... ... ... 7 0 0		
	<hr/>	7 0 0
	<i>Making the bed.</i>	
Bricks ... ... ... 1 12 0		
Carrying brick and water... 0 12 0		
Do. cement ... ... 0 8 0		
	<hr/>	3 0 0
Total... 13 10 0		

This hydraulic cement was applied to the formation of a salt-bed precisely in the same way that the Portland cement had been, but it was received so late in the year (1st October) that I was unable to test it in salt manufacture. It formed, however, as far as could be judged, a hard enduring salt-bed. The clay for this bed was sent to the kilns on the 21st August. Beds of this material could be made for much less than 8 annas 7 pies per square yard if the clay and lime were procured and prepared on the spot, as both might be at Ennore for instance.

50. Such, briefly, were the experiments made to determine the possibility of making solid and lasting salt-beds. They were not very successful, even as experiments, for reasons connected chiefly with the weather, and, like all first attempts, they are capable of being improved upon. The Portland cement, the hydraulic cement noticed in the last paragraph, and the magnesite seemed to me to offer the best chances of success. One drawback which ran through the whole series of experiments must here be mentioned. The clay walls and paths surrounding the beds were left untouched, and these gradually crumbling away dirtied the beds and allowed water to get under them and soften the clay floorings, so that the beds sank and cracked after they had been abandoned during the north-east monsoon. This shows the necessity of making the sides of the beds as solid as the floors, and of taking measures to prevent the access of water to the clay foundation.

51. Owing to a fear of its costliness I made no experiment with wood as a material for salt-beds, although I know it is so used in America,

and I have long considered it to be the most suitable substance we possess for the purpose. Planking has many advantages. It could be pegged down so quickly at the beginning of the season, removed and replaced at any time if necessary, and taken up and stored during the monsoon. It is precisely the sort of material we want for a salt flooring, and owing to the antiseptic action of saturated brine which arrests natural decay, it would probably last an indefinite time. Should my connexion with salt manufacture continue through another season, I will give it a trial. I have great hopes of it, and do not think that it would cost more than 1 Rupee a square yard.\*

52. The salt work I laid out at Ennore this year was made solely for the purpose of showing the West Coast Deputy Collectors how to turn an acre of ground to the best advantage. I commenced it on the 19th of May, too late in the season, to look for any profit from it. For this reason, and because the acre model can be applied, by magnifying all its parts proportionately, to the construction of ullums ten times that area, I did not think it advisable to spend money on a larger work. It is a model adapted to small native holdings, devised, in case of need—in case, for instance, substantial men will not come forward and work the new sites on enlightened and paying principles. Three-fourths of the acre were devoted to condensation, one-fourth to crystallization. There were six condensers and eleven salt-beds, with the necessary channels, paths, &c., yet only 5 per cent of the whole acre by actual measurement was dry and unproductive. In a letter to the Sub-Secretary, Board of Revenue, Proceedings No. 3,247, dated 11th November 1874, I stated (paragraph 3) that I did not think I could put the dry ground at less than 15 per cent in a good ullum, and that it was more than that in most native works. The first part of this statement must now stand corrected. The salt-beds made as described at paragraph 27, were irrigated for the first time at the end of June, and manufacture was stopped by the rains at the end of July. At that time, that is in one working month, I had made three garce of salt. The cost of making these pans was Rupees 82-6. The cost of working them with three coolies at Rupees 5 a month each was Rupees 15. They were capable of yielding three garce of salt a month, which at the end of a five months' working season would produce, at Rupees 12 a garce, Rupees 180. The expense of making and working them in the first year would be Rupees 157, showing a

\* In calculating the cost of laying down wood and other materials for salt-beds, it must be remembered that the beds with their paths and channels occupy but one-fourth of the whole area; thus, the area of bed flooring in a fifty-acre site would be less than 60,000 square yards.

profit of Rupees 23. The profit would be greater in subsequent years. It would pay a cooly to work these pans, inasmuch as he would get Rupees 180 at the end of the season against an outlay almost entirely of bodily labor on the part of himself and two relatives for six months, but it would pay no one else, and even a cooly, not so well as to make him take an interest in his work; hence the great disadvantage of small salt works.

53. I spent at Ennore this season Rupees 267-12-8, roughly as follows:—

	RS.	A.	P.
Construction of acre ullum	82	6	0
Working of acre ullum one month.	15	0	0
Implements...	7	13	0
Making ullum in connexion with artificial beds	25	6	8
Artificial beds	107	3	0
Working artificial beds two months.	30	0	0
Total...	267	12	8

The account in detail has been furnished to the Accountant-General. The implements are on sale at the office of the Salt Deputy Collector, Ennore. Threes garce and forty-three maunds of salt were forwarded to the Madras Kotars.

54. As Mr. Cammiade has, I understand, already addressed the Board with reference to the salt manufactory established by him this year at Ennore, I need not enter into any very minute description of it. Yet, lest he should be eventually disappointed, or others discouraged, by the result of his labors, I will notice some weak points in his arrangements. Mr. Cammiade's pans, which were intended to be a copy of similar works in France, were sanctioned by the Board in March and commenced in April, before the publication of my report on the French *salins*. I visited the site in March on my return from France, and gave Mr. Cammiade all the information and assistance I could. The works were begun whilst I was on the West Coast. On my return I found that Mr. Cammiade had made an excellent reservoir, a substantial platform, and that he was pressing on with the construction of his crystallising beds. He had made no embankments encircling his salt-pans, and through some misconception of my instructions, he had commenced his pans at the wrong end, and had nearly finished his salt-beds before beginning his condensers. As a consequence of this, the beds were irrigated with brine at about 7° Beaumé, taken, I believe, from the subsoil brine in the platform-tank, and they rapidly softened and had to be remade to the confusion of his plans; and when the July rains put an end to salt work, his system of condensers had not yet been completed. Notwithstanding this, however, he had a fair measure of success,

scraping, I believe, 13 garce of salt valued at Rupees 156 upon an outlay of about Rupees 1,000. This would be very gratifying and encouraging, considering the lateness of the season at which he commenced operations, and the radical fault noticed, if he were certain of his capital. But as his pans are unprotected by an embankment, I think it quite possible that he may find himself after the monsoon precisely in the position he was in last March, in the possession of an eligible mad bank, and that he will have to begin again at the beginning. Should the case be otherwise, he may be congratulated on having achieved a financial success. However the case may be, he has shown himself to be a man of considerable energy and resource, and one well qualified, personally, to conduct the infant enterprise which he is endeavoring to establish to a successful maturity, and I trust the Board will give him such assistance and encouragement as may lie in their power.

#### DIAMONDS AND GOLD:—HYDERABAD.

(To the Editor of the *Times of India*.)

SIR,—I have read with much interest the letters in your columns by Captain Burton about Hyderabad—especially those parts of them which relate to the mineral resources of the country. As I spent a few months last year in the Nizam's dominions preparatory to making a complete mineralogical survey of the country, a few remarks regarding what I saw and found may not be inopportune or uninteresting. The fact of diamonds having been found from the remotest times in the territory of the kings of Golconda, is of course well known; and diamonds having been once found, the natural inference is that there will in all probability be others discoverable where the former came from, for in a country of such vast extent as the Nizam's dominions, it would be absurd to suppose that the diamond mines are by any means worked out. The geological features of the country are of a character peculiarly adapted for the production of crystalline substances, whether in the shape of diamonds, chalcedony, or quartz; but how these minerals have been produced, and whether they grow (as the Australian miners say gold grows and Captain Burton infers), it would be extremely difficult to determine. I apprehend the formation of diamonds, as well as of other crystals, is the result of intense heat and the gradual cooling of the substances of which they are composed; and I also suspect that the diamonds are formed in a vacuum, and the more perfect the vacuum the harder they would be—hence the difficulty of making them artificially. I have in my possession some curious specimens of quartz and chalcedony crystals, which have evidently been formed in this manner; and I

have also some specimens of cornelian (white), which have all the appearance of having been in the form of paste, not unlike bookbinders' paste, where some sliding motion has produced the appearance to its having been dabbed on the stone with a brush.

I was in the diamond fields of South Africa more than 20 years ago, from whence I brought some specimens of crystalline substances which were found to be carbon, but the specimens were neither pure nor pretty. I have generally regarded searching for diamonds very like searching for a needle in a hay-stack, for however pretty and however great the value that may be put upon them, and though they possess economic value to a country when found in abundance—as in the Cape and Brazil—still there are other minerals which I think are of as great if not greater importance to a country. I will say nothing about coal and iron, which exist in vast abundance in the Eastern part of the Nizam's territories. The coal, it is true, hitherto found is not of a superior quality, and iron can be made so cheaply in England that it will be a very long time before that made in India will be able to compete with the English, however abundant the raw materials may be here.

From what I saw and found around Hyderabad itself, I do not believe that it would be necessary to go far to find diamonds. I suspect, indeed, that the tombs of the kings of Golconda were built not very far from a diamond field. Crystals of the purest water and extremely hard are to be found close to the line of those black rocks on which the tombs are built, and there are many other localities where such crystals are to be found, notably one in the very heart of Secunderabad—but these crystals are not diamonds. There are several places (I know of more than a dozen such) where crystals of various colours, but mostly white, greenish, or black, are to be found, and where the strata resembles that described by Dr. Balfour, Captain Burton, and others as being diamondiferous; but it requires a considerable amount of enthusiasm for such kind of research to induce any to hunt for the coveted stones. Diamonds are, however, by no means the only minerals to be found in Hyderabad. The common brown opal is plentiful, and the purple quartz of Bowenpilly and elsewhere is found in abundance, but they are of little or no value as gems; they have, however, a value of quite another kind.

There can be but little doubt that the country between Hyderabad and to the westward is auriferous, but whether sufficiently so to be worked with profit, it would be impossible, according to the data obtained by me and others, to say for certain. The grey and white quartz picked up contains minute but visible grains

and plates of gold; but if the search were followed up, probably sufficient would be found to pay more than the expenses of its working. We know that gold has been and is still found in many parts of India—it would be a miracle if it were not. I have obtained it in Wynnaad and in the Himalayan valleys, but in an old country like India, the gold originally found at and near the surface has no doubt been worked out and carried away. In California, Australia, and elsewhere, where the countries were new and virgin, the surface gold first attracted attention; but now in Australia some of the richest mines are upwards of a thousand feet deep—the surface gold and nuggets in India, if there ever were any, are gone, and the deep diggings only remain. I would particularly invite Captain Burton's attention to that part of the Nizam's country west of Hyderabad to Goolburgha, and if he is acquainted with Australia he cannot fail to be struck with the marked resemblance there is between the geology and general appearance of the two countries—it is most marvellous, and it would be still more marvellous if they were not alike auriferous. It is not necessary, however, to remind people that it is not "all gold that glitters."

But gold and diamonds are not the only minerals lying dormant in the Hyderabad country. There is zinc in an unmistakable shape, and no doubt in large quantity. Then there are traces (only traces) of tin, also of copper, but the specimens (purple and green carbonates) obtained were small though very decided; likewise galena, this also only in small specimens, but very distinct. It was at first a puzzle to me that these minerals had not been discovered before, but when I was shown a specimen of chlorite and was gravely assured that it was malachite, and a piece of mundic as gold, by one who was supposed to be an authority and ought to have known better, I was no longer surprised.

I regretted at the time that I was unable to follow up the traces I had come upon, but some reasons intervened to prevent the survey going on and my diligent searches and copious notes became useless: they were sufficient, however, to prove that Hyderabad is a very rich mineral country and there are some peculiarities in the geology which resemble in a most remarkable manner other well-known mineral countries with which I happen to be familiar. But I had only got the end of the clue to the peculiar geological formation and mineralogy of the region when I was obliged to discontinue my work.

WILLIAM SOWERBY, C.E., F.G.S.

April 1876.

P.S.—While on the question of gold mining

in India, I may refer to a striking example of mismanagement in the mining operations commenced in Wynnaad (the Alpha Mine, I think it is called). Instead of taking the advice of an expert, machinery has been brought out, and when tried it has failed to answer its purpose—it is not suited to the work in some way or other, too light, too small, or too something; so the company, instead of the enterprise paying, as was expected, promises to be a failure.

W. S.

#### IPECACUANHA.

The plant (*Cephaelis Ipecacuanha*) which yields the secretion known in pharmacy as Ipecacuanha is a native of Brazil; and, as the drug is an almost perfect antidote to that terrible disease of tropical climates, dysentery, it must be interesting to know that the cultivation of the plant has been successfully introduced both in Bengal and Madras. In March 1866, Dr. King of the Royal Botanical Gardens obtained from Dr. Hooker the Director of the Royal Gardens at Kew and brought out to India, a single plant of the *Cephaelis Ipecacuanha*, which he made over to the Calcutta Botanical Gardens. As it showed no tendency to yield seed, every effort was made to propagate it by artificial means. By 1868 this one plant had thus increased to nine, but as the climate of Calcutta did not seem to suit the Ipecacuanha, three out of the nine plants were sent during the same year to the Cinchona plantation in Sikkim, where it was hoped that in some low, hot valley, a suitable locality might be found. One of the three plants died soon after arrival at Rungbee. On the 31st March 1869, the surviving two had been increased to five rooted plants and one cutting; but the cutting subsequently died. On the 31st March 1870, there were still the same five rooted plants, but seven cuttings. Again, the cuttings were unfortunate; as they were completely destroyed by an accident. It was then determined not to cut the tops of the plants again, as it was found that after cutting, the plants took a long time to throw out fresh shoots and even then most sparingly. But the plants were partially stripped of their roots when a good supply of them had been formed, the detached roots being cut into very small pieces, and treated as ordinary cuttings. By this method which, according to Weddell, is actually practised to preserve the stock of Ipecacuanha plants in the forests of Brazil, the number of plants and cuttings at Rungbee had increased by the end of August 1871 to about 300.

In September 1871, eleven plants were received from Edinburgh, whence also a further supply of 369 plants, was sent out in the following year. In December 1872, Dr. Henderson

brought out from Kew and Edinburgh a further consignment of 128 plants, the greater part of which, after cuttings had been taken from both root and stem, were with their roots packed in slightly moist earth and sent to Sikkim, which they reached as fresh and healthy as on the day they were sent from Calcutta. In Calcutta two plants were killed by exposure to the sun; such of them, however as were kept under shade appearing to thrive. In the meantime, propagation had been steadily carried on, both in Sikkim and in Calcutta. In the former place, not only had leaves planted as cuttings been successfully made to strike root, but in ten months these rooted leaves had produced as many as four shoots, from half an inch to an inch and a half long. On the 31st March 1873, the total number of the plants amounted to 6,719 at Rungbee and about 500 in Calcutta. The total stock of plants both at Rungbee and in Calcutta on the 31st March 1874 was as follows:—

Planted outside experimentally	... 292
Rooted plants potted off and planted in frames...	... 13,000
Cuttings, rooted and unrooted	... 50,000

Total... 63,292

This success in propagation is entirely due to the fact that the Ipecacuanha, unlike most other plants, can be increased freely by root-cuttings; while from the slowness of its growth, materials for stem-cuttings are very sparingly yielded.

The plants in Sikkim are located about 3,000 feet above the level of the sea, in glass-covered frames, and are set in a mass of well-drained leaf-mould, but without bottom-heat, which is only used when cuttings are being struck. The young plants in the frames are most healthy in appearance; the leaves are of a dark green color without a single spot or blemish; but it has not yet been ascertained whether the Ipecacuanha, which is a slow-growing plant, will, under any particular conditions, thrive in the open air—it is believed that the plant requires a moist, hot, equable climate with a soil porous and well-drained—in fact resembling leaf-mould, but that it will fail in places subject to periodical inundation. Hitherto the chief object in cultivating the Ipecacuanha has been to increase the number of plants, so as to secure a sufficiently large stock for experiment with the view of determining the conditions under which it can be grown as a crop.

When the experiment in acclimatisation was started, the nature and habits of the plant, and the conditions required for its growth were scarcely known. It has now been ascertained that it is a humble, creeping, under-shrub of peculiarly slow growth, and that it requires a thoroughly tropical climate, that is to say, an equable day and night temperature, no decided

cold season and an atmosphere pretty steadily and thoroughly saturated with moisture. It has also been found that it cannot stand exposure to a hot sun, and that it is apparently very impatient of stagnant moisture at its roots. Experiments however are in progress for ascertaining the nature of the soil, which will best promote the development of the root—the medicinal part. Two encouraging facts may however be here noted; namely, first, that when the Ipecacuanha is rooted up, the plant is reproduced from the fragments of the root left in the ground either purposely or by accident, so that a crop can be gathered in every three or four years without re-planting; and second, that some plants which throw out very little foliage and do not seem to be thriving are found, when dug up, to have made a large quantity of root.

As a first step towards growing Ipecacuanha profitably as a crop, patches of plants have been put out at different elevations, and under different conditions as to soil, moisture and shade. But the result of these experiments has not yet been published. It may be satisfactory to know that after actual trial in the Medical College Hospital, at Calcutta, the Sikkim Ipecacuanha in its therapeutic properties has been pronounced fully equal to the same drug imported from Brazil.—*The Indian Agriculturist*, Vol. I, p. 63.

#### THE INDIAN GUTTA PERCHA TREE.

The Indian Gutta Percha Tree (*Isonandra acuminata*), which promises to be of some importance among the vegetable products of the Peninsula, was discovered in the Wynnaad Forests by Mr. Luscellos, so very recently as in 1850. General Cullen, however, deserves great credit for ascertaining its locality and extensive distribution among the forests of the Western Ghauts, and for bringing its useful product to public notice. The tree occurs in abundance in Wynnaad, Coorg, and Travancore and the Anamallay mountains. Its range is extensive, being found at the foot of the Ghauts, as well as at elevations of about 3,000 feet above the sea. It is so lofty a tree, and runs to such an immense height without giving off branches, that the form of its leaves is undistinguishable by the naked eye from below; and it is generally recognised only by its fallen fruits and flowers. The bark is rusty, often whitish, from the presence of numerous lichens; and a section of the trunk shows a reddish and sometimes mottled wood. The timber, when fully grown, is moderately hard, though it does not appear to be much sought after for economic purposes. The exudation from the tree, which bears some similarity to the gutta percha of commerce, is procured by tapping; and the quantity obtained at each tapping is, by no means, inconsiderable. But the tree requires an interval of rest for

some hours, if not days, after frequent incision. According to General Cullen, "in five or six hours, upwards of  $1\frac{1}{2}$  lbs was collected from four or five incisions in one tree." Again, "incisions were made in forty places at distances nearly three feet apart along the whole trunk. The quantity produced was  $1\frac{1}{4}$  gallons; the reeds were placed again, but in the evening no more milk was found: but the bark is thin and the juice soon ceases to flow, although there is plenty of it in the tree." The gum when fresh, is of a milky white color the larger lumps being of a dullish red. On an analysis of its properties in England, Messrs. Teschemachar and Smith gave the following opinion: "It is evident that this substance belongs to the class of the vegetable products, of which caoutchouc and gutta percha are types and that it greatly resembles "bird-lime" in its leading characteristics, but in a higher degree. It is evident that for water-proofing purposes it is (in its crude state) unfit, for although the coal tar and oil of turpentine paste might be applied to fabrics, as similar solutions of caoutchouc now are and a material obtained impervious for a time to wet, yet that owing to the capacity of this substance to combine with water and become brittle in consequence at ordinary temperatures, such a water-proof fabric would become useless very quickly. We do not of course in any way imply that in the hands of some inventors this and other difficulties to its useful application may not be overcome. Although unfit for water-proof clothing, movable tarpaulins and its like, yet it might be usefully employed to water-proof fixed sheds or temporary erections of little cost covered with calico or cheap canvas; but there are already a numerous class of cheap varnishes equally adapted for such "a purpose; so that as a water-proofing material, it is but advisable for the present to look upon it as useless."

"Its perfume when heated might possibly render it of some value to the pastille and incense-makers."

"The only extensive and practical use, however, in this country, to which we at present think it may probably be with advantage applied is as a subaqueous cement or glue. We beg to forward some deal wood glued together with this substance melted and applied hot, which we have now kept under water for several days and two fragments of glass which have been similarly treated. The cement has hardened at the edges, but probably without injury to its cementing properties. We have no reason to think that it would not rot under water more rapidly than wood does, but experience must be the sole guide here. We have reason to think such a glue or cement would be readily tried and if found good, employed by joiners and others. It is quite probable that a series of careful experiments with this gum

may lead to the discovery of some substance, in combination with which it may be utilised with the same effective and permanent results as caoutchouc.

As regards the wood, an experienced forest officer writes: "It is not unlike *sal* in the grain, and yet it takes after the character of some of the harder kinds of *cedar* and *kurbah*. As the wood is capable of receiving a good polish, I am inclined to think it ought to make good furniture. Its specific gravity, weighing the specimen piece in hand, appears to be about 50lbs to the cubic foot, and as the fibres possess both solidity and strength, I should say the wood ought to be useful in making doors, windows, &c., if not too readily destroyed by white ants; but I doubt whether it will be found capable of sustaining much weight, for the coalescing deposit is rather too pithy to make it useful as beams for terracing."—*Idem*, p. 130.

#### CATECHU TREE.

The Catechu tree (*Acacia Catechu*), which is to be found in almost every part of India, yields the substance, known formerly as *terra japonica* and also called catechu and cutch. It is extracted from the unripe pods and the old high colored wood of the tree. The mode of its preparation in the northern parts of India has been minutely described by Dr. Royle. The chips of the inner wood are put into an earthen pot with water and boiled. The clean liquor is then strained off and when of sufficient consistency, it is poured off into quadrangular moulds of clay. The substance produced is usually of a pale red color. According to Ainslie, it is used in Berar to dye chintz and other cloths. It is occasionally mixed with plaster to increase its adhesiveness and, when applied in combination with certain oils, is believed to be effective in preserving wood against white ants. Catechu contains a larger proportion of tanin than any other astringent substance; and it has been found that 1 lb. of it is equal to 7 or 8lbs. of oak bark for tanning purposes. The manufactured article is brought down in large quantities chiefly from Berar and Nepal to Calcutta, whence it is exported to Europe.

The most celebrated catechu, which is obtained from Pern, is prepared much in the same manner. As soon as the trees have been felled, the whole of the exterior white wood is carefully removed, and the interior colored portion is cut up into fragments, which are placed in iron cauldrons or large earthen pots and, with water sufficient to cover them, boiled until the decoction is about half evaporated. The chips are then removed and the boiling is continued till the liquor acquires sufficient consistency. The substance is next spread out on leaves in a wooden frame, where it is completely dried by

exposure to the air and finally cut up into pieces for the market.

In Guzerat the catechu is extracted from the heart-wood of the tree by an aboriginal tribe called *Kathodias* and much resembling the Bheels with whom they occasionally, but not often, intermarry. The men bring in the wood from the jungles and cut it up into chips; while the women boil the chips and extract the substance. The trees should be selected of ages varying from 25 to 30 years, and the more distinctly the thin white lines in the heart-wood are perceptible, the greater the quantity of catechu it contains. The *Kathodia* ascertains the fitness of a tree for his purpose by cutting a small notch into the heart-wood. If the tree answers, he sells it and takes it to his house—having previously removed all the sap-wood and a little heart-wood with it from the bole. The wood he requires is then cut into chips of the thickness of the frame-work of match-boxes and about a square inch in size. These chips are boiled in small earthen pots with rather more than two quarts of water and the chips are renewed three or four times a day; three or four handfuls of fresh chips being put in each time. The water is poured off from time to time, when considered sufficiently impregnated with the catechu, into two pots kept on purpose and allowed to go on boiling; while the pots from which the liquid has been poured off are replenished with fresh water. At the end of the day, the decoction in the second set of pots is poured into a wooden trough, about a yard long and eighteen inches broad and undergoes a peculiar process of straining. A woman takes a piece of blanket about a foot square, dips it into the liquid, stirs it about and then wrings it out again into the trough, holding it up as high as she can from a sitting position. This process is carried on for about two hours, after which the trough is covered up with a close mat of split bamboos, till the decoction is thought to have deposited the usual quantity of sediment. The water is then tilted out; and the sediment, which is the catechu, is made into small pots and allowed to dry. Naturally formed catechu, which is sometimes found in the centre of some trees, is considered of highest value.

The manufacturers of this gum (*Kathodias*) are employed in large gangs from 50 to 75 families (each family represents a furnace) by contractors who obtain permits from the Forest Department and pitch their encampments near a river or large river so as to have a large supply of water at hand—each furnace contains eight to twelve pots placed in a double row—the two centre pots being intended to receive the liquid when sufficiently ready for the final boiling. The contractor buys the catechu from the *Kathodias* at 12 or 16 pots for six pies or about 4lbs. to the rupee. This manufacture

is very destructive; and as the tree does not mature its gum till it is 25 to 30 years old, care should be taken to lay down periodically a sufficient number of plants to replace the trees that may be felled. In the Bombay forests only such trees as, by reason of crookedness or other defect, are not fit for use as timber are allowed to be felled and, then even, every tree is marked for the axe by the Forest Department.

The catechu of Pegu has been known to sell from 4 to 5*£* per ton. As the tree grows very freely all over India, its systematic cultivation for the manufacture of the gum might well be tried on lands unoccupied by other and more remunerative crops or plantations. Its timber though not so hard and durable as the wood of other species of Acacia might also be profitably disposed of or utilised.

It should also be borne in mind that large quantities of catechu are consumed by all races and classes of the native population of India as one of the ingredients used in the making up of the betel-leaf for chewing. The demand for this article is not likely to diminish, as the taste for the betel-leaf seems to be rooted in the people; and, as a dye, it will always find a ready market.

It may not be amiss to state here that consequent upon the rapid exhaustion of the catechu producing tracts in British Burmah and the reproduction of this valuable staple being materially affected by the absence of protective measures, the local administration 3 or 4 years ago set on foot a topographical survey and examination of the localities where the catechu tree was most abundant. The same course might with advantage be followed in respect to forests in other provinces where the tree is met with in large numbers and taken up for the manufacture of catechu. Government, as well as land-owners, might to prevent total exhaustion of the trees, reserve carefully selected tracts, plant them and work them in a systematic manner.—*Idem*, p. 130.

#### OUR OYSTER SUPPLIES.

(England.)

DURING these last four or five years the public have experienced what may be termed an oyster famine. Oysters of all descriptions have been gradually growing in price, till, despite the quantities brought from foreign countries, they have become a luxury which only wealthy people can afford. A dressed codfish, with oyster sauce, now proves too costly for persons of moderate income. A guinea for the fish, and half as much for oysters, compels the frugal housewife of the period to pause before she

enters such an item on her bill of fare. The cost of "natives" has been, within the last few weeks, £14 per bushel, which is undoubtedly a high figure for an article that 30 years ago was sold in many places at almost a nominal price, or for the sake of inducing the purchase of liquor was given away to all and sundry! As a bushel of oysters contains about 1,600 individual molluscs, the cost of each, when purchased at wholesale rate, is a little over 2*d.*; but after the dealers have taken their profit, the public will require to pay at least 3*d.* for each native. The Oyster Corporation of Whitstable, strange to say, is not waxing wealthy over the price just quoted; indeed, the high cost of the article has brought business almost to a stand, and the Whitstable men now deal in the commoner kinds of oysters in order to obtain a profitable trade. As affording means of comparison, it may be here stated that the price at Whitstable for a bushel of natives in the year 1855 was 49*s.*; ten years afterwards it had increased by 4*l.s.*; and now, after another ten years have elapsed, the cost has advanced to £14 per bushel, and the public naturally enough wonder why. The reason for the scarcity, however, and the consequent high price of oysters is not far to seek. It may be illustrated by the old saying that "we cannot both eat our cake and have our cake." We have so overeaten our oysters, have so broken in upon the capital, that the supply has decreased, chiefly from the lack of breeding stock. The oyster being an animal of fixed habits cannot elude its enemies, and its enemies, chief of whom is man, are quick to find it, and when it is found we know too well what is sure to happen. Whenever a new oyster bed is discovered there comes all at once such a run upon it that it is at once "dredged to death." Every shell is remorselessly scooped out of the water and sent to market, prices for even the commonest sorts of oysters being too tempting to be resisted. Despite the fact that we ever and anon hear of the discovery of a new oyster bed, the prices continue to rise; and notwithstanding that we have begun to import largely both from France and America, oysters appear

to be as scarce this season as they were last year.

So much has been written of late about the oyster, and so many theories have been recently propounded for making it again plentiful, that the public had begun to hope for the return of old times, and once more expected their favourite repast at the former price of 1s. per dozen! Oyster-culture à la Française was the medium which was to enrich our oyster beds. The French, we were told, had discovered a method of indefinitely increasing their oyster supplies. "We have only to do as the French do, and we may at one fell swoop double or treble our produce." Such, three or four years ago, was the *mot d'ordre*. For a time this kind of pisciculture became the rage, and we were told that, if we only waited a little longer, the English coasts would become as rich in oysters as the coasts of La Belle France. Well, we have waited, and what is the result? This, namely, that we are now paying a higher price for our natives than before the rage for oyster-culture came upon us. It seems to have been forgotten that we already cultivated our oysters in England. The Bay of Whitstable has long been given up to oyster cultivation. There we find one of the most prominent organizations for the supply of oysters that there is in England. It has existed for a long period, and has been throughout signally prosperous. It is not at all difficult to describe what is done at Whitstable. They do not at that place breed the natives in which they deal; they receive the oyster brood of other places and grow it on their rich feeding grounds till it is ready for market. On the opposite shore of Essex "they can grow oysters, but they cannot feed them." At Whitstable, as we were recently informed by one of the freemen of the company, they can "feed them, but cannot breed them." The work, therefore, which is carried on at Whitstable is the feeding of oysters for the London and other markets. The Corporation of Whitstable will buy any quantity of brood from anybody who has it for sale. "Brood," or "ware," it may be stated, is represented by oysterlings of about the size of a threepenny piece. The authorities at Whitstable will give a fair price

for ware, and when they get it they will buy it down on their feeding grounds, "they will nourish it and cherish it," for four years, and then, as the old song says, they will send to market "the finest native oysters that ever you did buy?"

It may interest the general public to know the changes undergone by spat before it is brought to market in the shape of well-flavoured natives. Our readers may have been informed that the oyster yields its young in literal millions. They must not believe that; but that the animal is a prolific one as regards production we think is certain. We shall not at present pause to inquire whether or not each pair of shells encloses a male and female. Some naturalists say that it is so; but the first great fact that comes home to us is that the infantile mollusc requires a holding-on place. If the tiny creature cannot anchor itself to some coign of vantage it is lost for ever—swept away by the ravening waves of the sea. It has been calculated, with probably some exactitude, that the oyster grows as follows, and it is on this basis that the Whitstable Company exists and flourishes:—At the first blush of life it requires 25,000 oysters to fill a bushel measure. In the second year, however, the animal has so grown that 6,400 individuals will occupy a similar space. In the third year the molluscs have still further increased in bulk, and only 2,400 are then required to fill each bushel; and in the fourth year, when the oyster may be held to have thoroughly ripened and to be ready for market, the measure in question will only hold 1,600 oysters. Supposing, then, that the Whitstable Company purchase a bushel of oysters in the first year of their growth at about £14, what will be the amount of profit the Corporation will derive from the venture four years afterwards? It must, we think, prove rather considerable. The reader can take the 1,600 in 25,000 and calculate the result. There occurs, of course, considerable mortality, but it will not be more in a careful nursery than a twentieth part of the whole.

It has been wisely decreed that there must be a close time for oysters, and the habits of the

animal being pretty well known to naturalists, it was not difficult to hit upon the months during which the scalps should be allowed to rest. If we could hit with similar precision on a close time for our sea fish, the supplies might, in time, be considerably augmented; but it is remarkable that it is only when some kinds of fish are about to spawn that we can obtain them. The herring may be instanced as one of the fishes that we only procure when it is least fitted for the food of mankind. Unfortunately, the close time for oysters is not so well observed as it ought to be, seeing that we can obtain them all the year round in London and other populous cities. It is that fact which helps to decrease the supplies, and were it not that there is a large number of proprietary beds held by companies and individuals, the animal would probably before this have become extinct. There is still a wonderfully large amount of commerce in oysters, and if we were to be specially favoured with a prolific spawning season, the future supply would become more assured than it is at present. It must not, however, be forgotten that an oyster requires a period of four years to arrive at maturity, and that, if a fall of spat occurred next summer, the oysters derivable from such fall would not be marketable till the year 1880. That even the most populous natural oyster scalps are vulnerable and easily affected is well known to experts. The Edinburgh beds at Newhaven, which are of great extent, were some years ago so despoiled as to be in danger of rapidly becoming barren. The beds in question belonged to the corporation, but were worked for the benefit of the fishermen of Newhaven, who paid a nominal rent for the privilege. The Newhaven men were also lessees, at a trifling annual sum, of the oyster beds belonging to the Duke of Buccleuch; but his Grace, on being informed that the men were spoliating the scalps, or, in other words, were selling enormous quantities of small oysters that had never had an opportunity of spawning, to English and foreign oyster fatteners, re-let the beds to a more cautious tenant, who is working them in a different fashion from the Newhaven fishermen. The scalps belonging to the City

of Edinburgh could not very well be taken from the Newhaven men, but on a new lease being granted, they were bound not to sell the small oysters; and now, we believe, there is a chance, although oysters are still very scarce at Edinburgh, that the beds will ultimately recover their former prosperity. The Firth of Forth is, in a sense, one vast oyster-bed, the scalps, more or less thickly populated, extending from Queensferry to Prestonpans, the home of "the whiskered pandour," a distance of about 20 miles. It was calculated a few years ago that the scalps which the Newhaven men had the right of dredging yielded about £10,000 per annum. But that fine revenue soon dwindled away when the men began to send the seed oysters in hogsheads, day after day, to Hamburg, Ostend, and Whitstable. Thirty years ago 100 of the fine Firth of Forth oysters could be bought in the Edinburgh market for less than 1s. It is fortunate that the system of private layings has considerably extended, although we believe the right of laying down oyster-beds is not so largely taken advantage of as it might be. Recent legislation has also aided in the preservation of our oyster fisheries, but there is still a great deal to be done in the way of extending the supplies and of working and cleaning the beds, so as to destroy as many of the numerous enemies which prey on the oyster as possible. As showing the magnitude of the demand for oysters, it may be mentioned that from the natural beds of the Wash as many as 700,000 sizeable oysters had been lifted in three months.

Many of the French natural oyster scalps which are now almost, if not quite, barren, were at one time exceedingly productive; but in time, as opportunities of quick transport extended, they also were overdredged, till in some cases an insufficient breeding stock was left, which, coupled with an occasional intermission in the fall of spat, speedily rendered the oyster a scarce commodity in France. Artificial breeding has in some degree restored the oyster to the French, but it is questionable if the mollusc is produced in such large numbers as is represented. A portion of the English

oyster supply is now, however, derived from France, and the import from America is increasing, large quantities being received every week in Liverpool, Glasgow, and elsewhere. We need them all.

Other kinds of shell-fish are becoming as scarce as the oyster. Shrimps and prawns, notwithstanding the ceaseless industry which purveys them for the markets of our great cities, are becoming less plentiful year by year. As for our mussel supply, it is likely to cease altogether in a few years for want of spat to populate the scalps. The unceasing demand on our mussel beds for bait is sure in time to affect the supplies. As many as 4,452 tons of mussels have been obtained this season from the fisheries at Lynn. Each ton of mussels, it may be noted, is of the value of about £1 sterling at first cost. This shell-fish, as well as being used for bait in the hand-line cod and haddock fishery, is extensively made use of instead of oysters for sauce, for which purpose it is excellent, when in proper season. With regard to the whelk fishery, it would be well if it were conducted with greater care. The men will find out some day the truth of the old adage about wilful waste bringing wilful want. The greed of our fishermen is at present so great that they seize upon all the sea produce they can obtain, no matter whether it be ripe for food or not. It is a misfortune of the whelk fishery that the small ones are captured as well as the larger ones, and ruthlessly sent to market. They might as easily be restored to the waters and allowed to grow for a few months longer—above all, be permitted, at least once, to reproduce their kind. What is done in the shrimp fishery at some places might be done with the whelks—they could be passed through a sieve, and only those of a certain size be selected for use. From some inquiries made by one of Her Majesty's Inspectors of Fisheries (Mr. Buckland) we find that the yearly value of the whelk fisheries must be very considerable, those of Lynn and its neighbourhood being set down as being worth £6,000 per annum. It would not be too large a sum if we were to set down £250,000 as the produce of what may be called

our minor shell-fish fisheries. As to lobsters, it may be stated, without fear of contradiction, that they have become of late more and more difficult to obtain; and, as the public may now judge for themselves, those now brought to market are several sizes smaller than the lobsters of 10 or 12 years ago. Why so, will be asked? The answer is simple. All the fine old lobsters have long since been devoured; we have eaten them down to the present size, and in all probability we shall stop eating them down only when they come to the vanishing point. At one period, say 12 years ago, the more Northern Scotish seas abounded with gigantic specimens of these favourite crustaceans, and vast numbers of them were annually sent to southern markets in perforated boxes, or packed in seaweed. Now, as we were recently informed, on the West Coast of Scotland these giants of their race have been exterminated, and recourse is being had to such as can be captured, no matter what may be their size.

In conclusion, whatever opinions may be held as to whether our supplies of round and flat fish are increasing, remaining stationary, or diminishing, it is certain as regards lobsters and other shell-fish that the supplies are falling off, and that the size of many of them is in process of annual diminution. An intelligent Edinburgh fish merchant is of opinion that, if some remedy is not speedily provided, there will not, at the expiration of another five years, be any lobsters worth bringing to market. These animals, being caught in cages or pots can be handled with facility, so that those of improper size might easily be rejected, as also those in berry. At that time they ought not to be captured. It is the misfortune of sea fisheries of every kind that they are free to all. Each man who fits out a vessel fights for his own hand, feeling that if he were to reject a fish from its being undersized, or in an unfit state for table purposes, his neighbour would at once capture it. Whatever its condition, it will realize a price of some kind—it will fetch money in the market-place—and that is the philosophy which at present governs our fisheries.—*Times*, 21st March 1876.

# THE REVENUE REGISTER.

No. 6.]

MADRAS:—THURSDAY, JUNE 15, 1876.

[VOL. X.

## ANNUAL REPORT OF THE SUPER-INTENDENT OF GOVERNMENT FARMS—1874-75.

ONCE more we have the pleasure to acknowledge the receipt of Mr. Robertson's Report. We learn from him that the rainfall registered for the year ending 31st March 1875 exceeded the average rainfall for the past ten years, being 68.98 inches as against 47.23. Unluckily, however, this liberal rainfall was not so distributed over the year as to produce the greatest amount of apparent good; "it was precipitated in heavy showers at very irregular intervals."

The October of that year was one that will be long remembered in Madras. It requires no extra exertion of the memory to recall the state of Madras generally on the morning of Sunday the 24th. We remember the roads so drowned with water that in many places they were utterly impassable. Hence we are not astonished to learn that on the 23rd, 24th and 25th October 1874 no less than 13.94 inches of rain were registered! Mr. Robertson wisely adheres to his plan of giving the rainfall in weekly totals, which shows the character of the rainfall better than the old form of monthly totals.

*Office work.*—We are very glad to find that in this department Mr. Robertson is now ably assisted, and entertains good hopes of

overtaking his arrears. We know how very trying it is to feel in the midst of pressing work that a vast amount of office and routine work is lying over, accumulating against that "leisure day" which somehow never comes. Mr. Robertson gives us a few specimen questions to show the nature of the enquiries made of him by people in search of agricultural information. Answering these questions must, we know, take up a great deal of time; yet we have no doubt that Mr. Robertson is more than willing to answer them all, for we know how he desires the increase of agricultural knowledge in Madras.

We are glad to find that the agricultural apprentices have done as well as they could be expected to do under existing arrangements. We are credibly informed that this class is shortly to be broken up, Government having sanctioned the establishment of an Agricultural College, in which both theoretical and practical instruction on agriculture and kindred subjects will be given. The Lecturers have not yet been appointed, but we believe that, as far as at present known, the following list is substantially correct.

SUBJECTS.	LECTURERS.
Veterinary Surgery...	G. Western, Esq., M. E. C., V. S.
Geology	... Surgeon-Major King.

SUBJECTS.	LECTURERS.
<i>Chemistry</i>	... Mr. Hamilton.
<i>Botany</i>	... Surgeon Wilkins.
<i>Agriculture</i>	... W. R. Robertson, Esq., M. R. A. C.

C. Benson, Esq., M. R. A. C., will probably have charge of the Sydapet Experimental Farm, and Kasper Schiffmayer, Esq., of the Field and Laboratory experiments. Besides these Lecturers, masters will be appointed to instruct the pupils in Drawing, Languages, and to assist the students generally in getting a good rudimentary knowledge of the subject of the lectures delivered in the institution.

A copy of the prospectus has been kindly sent us; but as our space is full, we must reserve it for our next issue.

We hope that many respectable youths, both East Indian and Native, will now come forward and offer themselves as candidates for agricultural honors. Why should not our lads be as proud to belong to our Madras School of Agriculture as the Graduates of the Royal Agricultural College at Cirencester are of their Alma Mater?

*Permanent Improvements.*—Among these is a new road nearly a mile long, connecting the roads of the Model and Experimental Farms. Another great improvement is the terracing of some of the sandy undulations so as to save them from the destructive influence of the rain, which formerly used to wash out all their manure, and the finer particles of the sand. Many other minor improvements have been effected. The concrete employed on the Farm is composed of

- Lime ... ... 1 part.
- Broken bricks ... 5 parts.
- Sand ... ... 2 parts.

This mixture Mr. Robertson has found particularly useful for protecting the floor and sides of drains where the fall is great. We are glad to find that snakes, rats, &c., are being kept down on the Farm, and that

Mr. Robertson entertains reasonable hopes of exterminating the cobra.

*Agriculture in the Madras Presidency.*—The facts brought to light by Mr. Robertson under this head are so important that we think it best to reproduce them *in extenso*.

"The following facts throw some light on the real condition of agriculture in this Presidency, regarding which such opposite opinions are held:—

(a) *Small proportion of the area of the Presidency now utilized.*—The entire area of the Presidency comprises 138,318 square miles, or 88½ millions of acres; of this, 50,623 square miles consist of permanently assessed properties, Government forests, and hill tracts, leaving 87,695 square miles, or 56,124,800 acres directly under Government. Of this 56 millions of acres, only 27½ millions of acres are under occupation; there is thus nearly 30 millions of acres of Government land altogether unutilized.

(b) *Small revenue received from the land in the shape of rent.*—The total area under occupation last year was 27,360,000 acres, and the total rent collected was 34,933,583 Rupees, which is only Rupees 1-4-5, or about 2s. 4d. per acre.

(c) *Low value of the produce of an acre of cultivated land. Dry land.*—During the last official year there were 13,895,331 acres under dry cultivation in the Madras Presidency (excluding South Cauara and Malabar, for which I have no figures) that paid rent, amounting to 15,009,850 Rupees, an average of Rupees 1-1-3, or about 2s. per acre. With these figures it is very easy to ascertain the average value of the produce of an acre of dry land by means of the formula used in fixing the rent in this Presidency, which is as follows:—From the money value of the estimated outturn, a deduction of one-quarter is made as an allowance for unfavourable seasons; and from this remainder, the cultivation expenses are deducted, and thus the net value of the crop is ascertained, half of which forms the Government rent. Thus it is only necessary, in order to arrive at the net value of an average crop, to multiply by 2 the sum received as rent for one acre, which is Rupees 2-2-6, or 4s. To the amount thus obtained, we must add the cultivation expenses which are said by the Settlement Department to average about Rupees 4-10-3. By adding this sum to the net value of the produce already determined, we get Rupees 6-12-9 per acre; to which if we add the one-fourth deducted to provide for unfavourable seasons, we will ascertain the average

value of the produce raised on one acre of land under dry cultivation in this Presidency, which is Rupees 8-7-11, or about 15s. 7d. excluding the value of the straw, which is taken as a set-off against the keep of the cattle which forms no charge in the cultivation expenses. *Wet land*—It is not quite so easy to arrive at the average value of the produce of an acre of land under irrigation. There were last year in the Madras Presidency (again excluding South Canara and Malabar) 3,105,622 acres under wet cultivation, for which, in the shape of rent, 16,873,137 Rupees were received, which is Rupees 5-6-11, or about 10s. per acre. To ascertain the average value of the produce on one acre of this land, we must proceed in the same way as we did in determining the value of the produce of dry land; thus, twice the amount of the rent represents the net value of the produce which is Rupees 10-13-10, to this we add the cultivation expenses, which are said by the Settlement Department to average about Rupees 7-9-9 per acre, which, added to the net value of the produce, makes Rupees 18-7-7 per acre. In fixing the rent of wet land, the deduction made for unsavourable seasons is only one-sixth; this, added to the figures previously obtained, brings up the total to Rupees 21-8-10, about two pounds sterling as the average value of the produce of an acre of irrigated land, less the value of the straw, which, for the reasons stated when referring to dry crops, is omitted in the calculation.

(d) *Small incomes of the Cultivators*.—It is very easy to ascertain the amount of income enjoyed by Cultivators in this Presidency, if the information contained in the previous paragraph is accurate; thus it is only necessary to deduct the annual rent from the value of the produce of an acre of land, and the balance that remains is the income of the Cultivator and his family for their joint labors. If we take for illustration the renter of a holding of 12 acres, 10 acres of dry land, and 2 acres under irrigation, the annual income derived therefrom will be as follows:—

10 acres of dry land, the	Rs.	A.	P.
produce of which is			
valued at Rupees 8-7-11			
per acre	...	8	15 2
2 acres of wet land, the			
produce of which is			
valued at Rupees 21-8-10			
per acre	...	43	1 8
		128	0 10

Deduct rent, 10 acres of dry land, at Rupees 1-1-3 per acre, and 2 acres of wet land, at Rupees 5-6-11 per acre. 21 10 4

From this it would appear that the total income derived from a 12 acre holding to repay the Ryot for the labor of himself and family, and expenses incurred in cultivation throughout a year would be in a favourable year only Rupees 106-6-6, and in an average year, deducting the one-fourth allowed for bad seasons, only Rupees 79-12-11, or about Rupees 6-8-0 per mensem equal to three shillings per week.

(e) *Large proportion of occupied land under fallow*.—Of the 27,360,000 acres under occupation, 4,996,000 acres were last year under bare fallow, produced no crop whatever, and paid no rent.

(f) *Low type of crops generally grown and the small area under crops that need manure and moderately good cultivation*.—Of the 22,364,000 acres under crops, food grains occupied 18,385,000 acres, of which 26,000 acres only consisted of wheat; this crop is perhaps not so well suited for cultivation in the southern half of the Presidency, as it is for culture in the northern half; but even in the districts peculiarly suited for its cultivation, it occupies but a miserable proportion of the land under food grains; thus:—

District.	* Total Area under Food Grains.	Of which Wheat occupies
Salem	1,432,000	1,000
Nilgiris	34,000	3,000
Coimbatore	2,089,000	3,000
Kurnool	1,700,000	8,000
Bellary	2,909,000	6,000
Cuddapah	1,527,000	3,000
Kistna	1,657,000	2,000
	ACRES.	

The area under wheat might be very largely increased especially in the districts to which I have just referred. Wheat requires moderately good cultivation with a fair allowance of manure; taking this into account in connection with the certainty that there is in this country a good market for wheat at remunerative prices, the miserable position it occupies in the cropping of the Presidency is, I think, conclusive evidence of the low condition of the agricultural practice pursued. Again, sugarcane is another crop which requires manure and moderately good cultivation, and this occupied but 36,000 acres of the 22½ millions of acres under crop last year, and it grows well nearly in all parts of the Presidency.

(g) *The entire absence of any fodder or root crops raised for the food of stock*.—There is no crop especially grown for feeding stock which

\* Includes some land twice charged, being cultivated with 2 crops during the year.

in any way resembles the fodder, roots, and other restorative crops of more civilized countries. Nearly every acre of the 22½ millions of acres was occupied by what is termed in agriculture an exhausting crop. As I have before pointed out, crops that need the liberal supply of manure are almost unrepresented in the cropping of this Presidency.

(h) *Low commercial value of the agricultural produce of Southern India.*—In the English Market, Madras cotton is generally from 25 to 50 per cent less in price than American cotton; Madras rice is only about half the value of American rice; Madras tobacco will scarcely command a sale, excepting for the manufacture of sheep washes. Indigo, coffee, and tea command good prices, but then these are produced under European management.

(i) *Poverty of the arable soils of the Presidency.*—In the absence of analyses of the different arable soils of the Presidency it is exceedingly difficult to produce proof of their poverty in plant food, as the small crops obtained may be the result of inferior cultivation rather than due to the poverty of the soil. Though I am unable to produce evidence as conclusive as I should desire, I am able, from the results of the investigations made by Mr. Broughton regarding the quality of country tobacco, to produce some facts which throw a great deal of light upon the matter. Mr. Broughton determined only the quantity of carbonate of potash in the ash of the tobaccos he examined; however, the quantity of this mineral in the ash of the tobacco plant bears a very close relation to the quantity in the soil that produced the tobacco, and therefore the information gathered by Mr. Broughton possesses considerable value as indicative of the quantity of potash in the arable soils of the Presidency. The following are the results:—

Districts in which Tobacco was produced.	Number of Analysis.	Average per cent of Carbonate of Potash in Ash.
Vizagapatam ...	7	9·76
Trichinopoly ...	6	6·01
Bellary ...	4	6·22
Nellore ...	2	6·96
Cuddapah ...	12	4·39
Tanjore ...	1	8·71
North Arcot ...	5	4·58
South Arcot ...	3	11·29
Nilgiris ...	2	17·81
Kurnool ...	5	5·73
Coimbatore ...	13	7·68
Kistna ...	10	13·52
South Canara ...	1	5·6
Madras ...	5	·70
Chingleput ...	2	·63
Madura ...	15	7·02
Salem ...	4	8·05

For comparison I give below a statement showing the quantity of potash in a few samples of tobacco produced in other countries:—

	Per cent.
Maryland tobacco ...	49·7
Do. do. ...	47·4
Massachusetts tobacco ...	47·8
Hungarian do. ...	26·46

Professor Emil Wolff of the Royal Academy of Agriculture, Wirtemberg, publishes seven analyses of tobacco, the ashes of which contained on the average 27·4 per cent of potash, and one sample of which contained as much as 54 per cent. There is a very marked difference between the quantity of potash in the ash of tobacco raised in this Presidency and in other countries, due, I think, entirely to the different quantity of potash in the soil.

To show what an important part potash plays in the food of plants, I would direct attention to the following, showing the quantity of potash in the ash of some of our more important agricultural products:—

	Per cent.
Potatoes ...	59·8
Turnips ...	39·3
Lucerne ...	25·3
Cotton lint ...	41·20
Cotton seed ...	35·44
Wheat ...	31·1
Barley ...	21·9
Maize ...	27·0
Paddy ...	18·4
Cholom ...	11·9

The deficiency of potash in the arable soils on which tobacco is grown, which are always more highly cultivated and manured than any other soil under crops, is, I think, strong evidence that our soils are gradually becoming exhausted.

The yield of the soils is also worth considering; thus, while in Madras, the Ryot is contented to get 70 or 80 pounds of clean cotton per acre, the American Farmer is not contented unless he gets from 450 to 500 pounds per acre. The same with rice; an average crop of paddy in this Presidency is about 15 bushels per acre; in America, 70 bushels is no unusual crop. In Madras a maize crop of 10 bushels per acre is a good one; in America crops of this grain vary from 50 to 80 bushels, and sometimes even amount to 100 bushels per acre.

(j) *The inferiority of the agricultural live-stock of the Presidency.*—The inferiority of our live-stock, with some slight exceptions, is so universally admitted that I need only mention this fact as another evidence in proof of the low condition of our agriculture."

We must confess that the above facts are not reassuring. What are we to

do? We are told, and no doubt truly, that our soil is poor; that it is being made poorer by the exhausting crops grown, and the habitual disregard to the necessity of manure; that our cattle are small, ill-conditioned and inferior; that, in short, every thing is going down hill. The just, and proper, inference is that we all, the inhabitants of the country, must be deteriorating also. Poor soil means poor grain and fodder; poor grain and fodder-supply means poor half-starved cattle; and poor half-starved cattle means an underfed, sickly race, such as no doubt the majority of the people are. Ask any medical man what is the most common cause of the diseases the sufferers from which fill the wards of our hospitals. He will tell you "Privation—a want of good and sufficient food." This is perfectly true. Of course it applies in its widest sense to those classes who naturally seek hospital aid; but does it not apply in some measure to ourselves? Is the climate alone to blame for the decadence of European pluck, energy, and *verve* that we too often see in ourselves? How many of us who have been out ten years or more, must confess to a ridiculous nervousness, a shrinking from fatigue, and pain, of which we should have been heartily ashamed a few short years ago? India offers many advantages, among the greatest of which are our virtually open-air life and almost perfect ventilation; but unless something can be done to improve the soil that feeds our cattle, we shall never hold our own, never improve the races of the country, nor fulfil our Mission in India.

*Swamp Irrigation.*—In his remarks on this subject, Mr. Robertson explains away any possible misunderstanding of his previously enunciated opinions on this subject. He has always said that swamping was not irrigating, still less was it cultivating. He tells us that he never meant to deny the ad-

vantages of irrigation. What he wanted us to understand was, that to turn a quantity of water on to land as little porous (so far as sub-soil is concerned) as a cistern, and to keep it stagnant there, until by evaporation and leaking it disappeared, was not aiding in the production of a good crop of rice, though it was a fruitful seed-bed for malarial disease. We copy from Mr. Robertson's pages an extract from a report on irrigation in Spain by Mr. Clements Markham.

"The cultivation of rice around the shores of the Albufera was introduced by the Arabs, and was prohibited on account of its unhealthiness and the waste of water it occasioned, by King Martin of Aragon in 1403 A.D. Permissions and prohibitions have altered since that time, and Cavanilles recommended the total discontinuance of a cultivation which produced so many fevers and such swarms of mosquitoes. Attempts have been made near Valencia to grow rice without irrigation, but they were fruitless.

"It would certainly appear that, apart from its extreme unhealthiness, the cultivation of rice in this country is open to serious objections. The continuous harvests and incessant swamping wear out and enervate the land, and now the use of guano and other manures is essential. The rice is sown in April and May, and reaped in September, so that the swampy land is seldom exposed to the influence of heat, and the stagnant water keeps it in a constant state of saturation, and rapidly neutralizes its fertilizing properties. At present the cultivation of rice is very strictly prohibited beyond certain prescribed limits, and the use of guano as manure is believed to have decreased the pernicious effects of the swamped land, though in what way it is difficult to understand."

There is no doubt that were a rational quantity of water judiciously employed in sub-soil-drained fields, our irrigation works would keep better pace with the requirements of the country, and we should see fewer of the gaunt, spectral-like victims of malarial fever.

*Treatment of Salt Lands.*—On this subject Mr. Robertson says he has but little personal experience; but from the information he has collected, he has come to the conclusion that the only remedy is deep

sub-soil draining. On this point he has received much information from Mr. Boswell, the late lamented Collector of Kistna, also from the Tahsildars of the district of Coimbatore through the kindness of Mr. Wedderburn, the Collector.

We quite agree with Mr. Robertson in thinking that it would be a great advantage to agriculturists if Government would publish, but not three months in arrears, correct agricultural price lists. We know it was a matter of thankfulness among careful housewives when a correct Bazaar Price List of Domestic articles was published every week by the papers.

*Live Stock.*—The Aden cattle that were imported in 1874 do not seem to have fulfilled all Mr. Robertson's expectations; but as he has not yet had a fair chance of ascertaining their milking qualities, he refrains from giving any decided opinion on their value. Under this head we find some very interesting statistics regarding the milk yielded by a fine cow, a cross between a Devon Bull and a Nellore Cow. The cow was the property of the same lady who furnished Mr. Robertson with the statistics mentioned by him in his report for 1872. She kept the register, of the amount of milk drawn morning and evening, herself. The whole experiment was most carefully conducted, the results are thoroughly reliable in every respect, and they are no doubt very satisfactory. The record extends over six months, during which time the cow's food consisted of

Green fodder	... 40 lbs.
Ground-nut cake.	4 "
Wheat bran	... 2 "
Salt	... 1 dessert spoonful.

"The total quantity of milk yielded during the six months was 799 measures and 6 ollocks or 2,399 imperial pints. The prices paid for the food, &c., of the cow during the experiment were as follows:—ground-nut cake 65 lbs. per

Rupee, bran 32 lbs. per Rupee, green fodder 300 lbs. per Rupee, straw for bedding, salt, &c., 1 Rupee per month, and attendance Rupees 3 per month (the man having other duties to perform). The total cost incurred during the six months was—

	RS.	A.	P.
168 days, green fodder at 40 lbs. daily ...	22	6	5
168 days, ground-nut cake at 4 lbs. daily ...	10	5	5
168 days, bran at 2 lbs. daily ...	10	8	0
Straw and salt ...	6	0	0
Attendance ...	18	0	0
Total...	67	3	10

If from this amount we deduct Rupees 15, the value of the calf at 6 months old, there remains Rupees 52-3-10 as the cost of the 799 measures and 6 ollocks of milk or, say, in round numbers, 800 measures for Rupees 52, equal to one anna per measure; it should, however, be remembered that the yield of milk will gradually continue to diminish until the cow again calves, and, as the cost of maintaining the cow up to that period will not be less than when in full milk, the cost of the milk will be proportionally increased, but throughout the year the milk will not cost 2 annas per measure. As in the larger towns of Southern India, milk of very inferior quality sells readily for 3 annas per measure, it will be seen that in dairying a very profitable business could be established, and one well worthy of the attention of the "Poor Whites" of this country, regarding whom of late we have heard so much. But a dairy to be successful must command the confidence of the public.

It will be observed that the return for the 7th week is 25 per cent less than the yield of the previous week; this sudden diminution was due to the cow having been milked by a person to whom she was unaccustomed, the man who always milked her being absent from sickness; this change proved very unfortunate, for though, when the regular milker returned to his duties in the 13th week, the yield somewhat improved, it was still very much below what it would have been had the change referred to not occurred. I think it necessary to call particular attention to the facts just stated, for, though some cows will give the same quantity of milk to any milker, it is well that it should be known that with some cows a change in their attendant may lead to a very large reduction in the quantity of milk obtained.

During the first four months of the experiment the calf was allowed to take daily about one measure of milk, and about half a measure

daily during the other two months; this milk was, of course, not brought to account in the foregoing registrations; I think it an advantage in this country to allow the calf access to its mother before and after milking as is customary in this part of India; not only does the cow yield her milk more freely, but what is of more importance her udder is thoroughly stripped after each milking; and, with the help of other food the calf can be reared at a very moderate cost. The first calf of the cow referred to was reared in this manner until about a-year old, when it was fed on food similar to that given to its mother; it was always in good condition, and will calve at three years old, fully a year earlier than it is usual for heifers to calve in this country.

I attach very great importance to this experiment; there is not, as far as I am aware, any published record of any similar experiment made in this country excepting that detailed in my report for 1872; and, before we can attempt to do anything to improve the dairy stock of the country, which so greatly needs attention, we must have reliable data for the guidance of our efforts."

*Sheep.*—The sheep imported from China have unfortunately not done well. The hot season appeared to try them greatly and there are now only four animals of the breed at the Farm. This want of success is the more to be regretted inasmuch as the breed is a fine one, and possesses qualities which it was hoped would, by judicious crossing, greatly improve our country breeds. The Sydapet flock of sheep appears to be doing well, and as Mr. Robertson has given us his method of management at full length, we think we cannot do better than reproduce it for the benefit of those of our agricultural subscribers who do not receive copies of the report.

"The following details regarding the management of the Sydapet flock will supply the information for which I am frequently asked. All rams are kept entirely separate from the ewes; after being weaned, the ram lambs are reared in pens and are only occasionally allowed to graze; their food consists of green fodder and ground-nut cake. I should much prefer that these sheep should be grazed more frequently instead of them being so much confined in pens, but it is so extremely difficult to keep the rams apart from the ewes when both flocks are grazing, however I intend forming a grass

paddock wherein the rams can be secured and in which they can obtain food and regular exercise during certain hours of each day. The rams are not used until they are about two-and-a-half years old, at which age a good specimen will weigh from 100 to 120 lbs. live weight. The ewe flock is generally sorted over once a-year, and those of a bad form or color or with inferior wool, as well as those that have lost some of their teeth, are taken out of the flock and put aside for fattening. In September the ewes that remain in the flock are, with a number of gimmers then about eighteen months old, put to the ram; about forty ewes are placed with one ram the breast of which is colored to mark the ewes in a way that enables the shepherd to detect readily those ewes that have been served, which he removes from the flock. The lambs are born about five months after; generally about 90 per cent of the ewes proving in lamb. The ewes when about to lamb are placed in pens, three or four in each, where they are kept until their lambs are about three weeks old, after which they are again put into the flock in the sheepfold. All males that do not promise to turn out well are, when about six weeks old, made into wethers. When about three months old the lambs are removed from their mothers and are weaned, about a fortnight's separation sufficing for this, after which the wether and gimmer lambs are grazed in the flock with the ewes, the ram lambs being placed by themselves as previously noticed. All the sheep are generally clipped in April, which, I find, is the best month in the year for the purpose. When the ewes are being clipped, it is usual to mark the lambs in a way to render their identification easy; in the farm flock this is done by cutting a small hole by means of an ear-pincer in the cartilage of one ear of each. During the season of the year when night dews are heavy the sheep do not leave the fold in the morning until the sun has removed the greatest part of the dew; it was found when the sheep were turned out too early in the morning to feed upon grass heavily covered by dew that a number of them were invariably attacked by dysentery of a severe type. During the hottest part of the day the sheep return to the fold for a few hours, and again go to graze until about five in the evening, when they again return and receive about half a pound of ground-nut cake per head, and are shut up in the fold for the night. During very dry weather they receive, in addition to the cake, a small quantity of green food, but they are maintained chiefly by the food they gather when out grazing. The sheep thus fed are kept in a thriving condition; they are, of course, not fit for the butcher, but they are generally in the condition that it is most desirable for breeding stock to be. I have tried various months in the year in which to put the ewes with the ram. Under

the impression that lambs born in December would thrive best from the abundant grass at that season available, I put the ewes with the ram in July, but the result of the experiment was disastrous, as a very large proportion of the lambs died, evidently, I think, from their mother's milk being unfitted for them, the result of the too liberal consumption of immature hastily-grown grass. Next year the lambing season was postponed a fortnight, and the result was fewer deaths amongst the lambs. From this time the lambing season was each year made later until it fell in the middle of February, at which time of year it was found that fewest deaths occurred amongst the lambs, the death-rate having sunk from at the least 20 per cent down to at the outside 5 per cent. This experience may be useful to owners of flocks; it was only recently that I was consulted regarding the management of a flock the lambs of which every lambing season died in great numbers; on inquiry, I was informed that each year's lambs generally fell about a month after the close of the monsoon rains, and to this fact I attributed the great mortality. Whenever ewes are suckling their lambs, and are feeding on the hastily-grown grass produced by the monsoon, loss amongst the lambs will be inevitable; I am convinced that the only way to avoid great mortality amongst lambs in Southern India is to arrange for their birth to occur after the sun has had time to harden the monsoon grass, and remove its pernicious qualities."

*Pigs.*—The China pigs did as badly as the China sheep, and we are not likely to improve our existing breeds much from that quarter. Possibly an English boar or two might be an acquisition?

*Poultry* did well. The birds are imported from Sydney; they thrive well, and appear to be well adapted for improving the existing breeds. Since the publication of the Report, Mr. Robertson has received some Pekin ducks which are a most superior breed. They seem to thrive well in the heat of Madras; and though Mr. Robertson has experienced some trouble with rearing the ducklings, he is disposed to attribute this to want of proper accommodation.

We must close our resumé for the present, but we shall hope to give a brief sketch of the remainder of the Report in our next issue.

## DAWES' REVENUE CODE.

WE have great pleasure in reviewing the Revenue Code, compiled by Mr. F. J. Dawes, Deputy Tahsildar of the Shervaroy Hills. The Regulations and Acts relating to Revenue matters from 1802 to 1875 have been carefully collated, and in many instances they are illustrated by the light of the Circular Orders of the Board of Revenue, and the Rulings of the High Court. A book of this kind cannot but be of great use to students and practitioners.

We feel it, however, our duty to repeat

\* Cunningham's here the remark we made Statutes, Acts and some little time ago, when Regulations.

reviewing another book,\* namely, that it would be better to print the Regulations and Acts in chronological order, than according to the nature of the contents.

We find that the book contains some Acts which do not belong to Revenue matters, such as, the Act for the Registration of Documents, the Regulations defining the Rights of Individuals to Hidden Treasure, and the Act relating to the Exportation of Military Stores. This may be an error, but it is one in the right direction. Better to have a superfluity than a deficiency.

The typography of the work is good, and does much credit to the *Caxton Press* in Bangalore, in which it was printed.

## HIGH COURT—BOMBAY.

[Appellate Civil Jurisdiction.]

WEST AND NANABHAI HARIDAS, JJ.

*Court Fees Act VII of 1870, Section 16—Pauper Respondent—Memorandum of Objections—Civil Procedure Code (Act VIII of 1859) Section 348—Pensions Act XXIII of 1871, Sections 4, 5, 6, 8, 9 and 14—Certificate by Collector.*

A pauper respondent is not entitled to present objections at the trial of an appeal without payment of stamp duty.

Section 4 of the Pensions Act XXIII of 1871 debars the Civil Court from taking cognisance of any suit, whether the Government is a party to it or not, which relates to any pension or grant of money or land revenues conferred or made by the British or any former Government—without a certificate from the Collector or other authorized officer. Section 5 prescribes a remedy for the claimant of such pension or

grant, and Section 6 enables the revenue officer to refer the parties to the Civil Court for the determination of their respective interests in the income or other benefit, which the executive will, however, still, as against either or both of the litigants, be at liberty to allow or to withhold.

*Lands held free of assessment under a grant from Government, which bestows on the grantees the lands themselves and not merely the Government revenue arising from them, do not fall within the provisions of the Pensions Act.*

S. A. 227 of 1875.

*Babaji Hari v. Rajaram Ballal and another.*

This was a special appeal from the decision of E. Hosking, Assistant Judge of the District of Satara, in Appeal No. 232 of 1874, reversing the decree of Atchut Jagannath, Subordinate Judge of Rahimatpnr.

The plaintiff Babaji *in forma pauperis* sued the defendants, his cousins, to have his right declared to a ninth share in the *Kulkarni, Jyotishi* and *Deshpande Watan* of certain villages in the Collectorate of Satara. He also claimed eleven years' arrears of this *watan*, which consisted partly of *inam* lands and partly of allowances paid from the Government Treasury.

The defendants pleaded the Limitation Act and urged other objections, which, for the purposes of this report, it is not necessary to notice.

The Subordinate Judge, on the evidence, found the claim proved, except as to the alleged share in the *Jyotishi Watan*, and disallowing the defendants' plea of limitation, gave the plaintiff a decree accordingly.

The defendants in appeal repeated the objections they had taken in the first Court, and for the first time urged that the cognizance of the suit was barred by the provisions of the Pensions Act of 1871, there being in the case no certificate by the Collector, or any other authorized officer, permitting the suit to proceed as required by Sections 4 and 6 of the Act.

The plaintiff under Section 348 of the Code of Civil Procedure presented a memorandum of objections against the refusal of the Subordinate Judge to award him a share in the *Jyotishi Watan*. This bore no stamp, but he urged that he being a pauper no stamp was necessary.

The Appellate Court was of opinion that the respondent, though a pauper, was by Section 16 of the Court Fees' Act not exempted from the payment of stamp duty, and that his memorandum, therefore, could not be admitted. Finding also that there was not the certificate required by Section 6 of the Pensions Act, the Appellate Court reversed the Subordinate Judge's decree, and rejected the plaintiff's claim *in toto*.

The special appeal was heard by West and Nanabhai Haridas, JJ.

*Ghanasham Nilkanth* for the special appellant, the plaintiff:—The *watan*, of which the plaintiff seeks to recover a share, consists of lands as well as money allowances. With regard to the former, no certificate is necessary. See Special Appeal No. 507 of 1873, *Ravji Narayan Mandlik v. the Mamlatdar of Ratnagiri Taluka*, per Westropp, C. J., and Larpen, J., 2nd September 1875. Nor is any certificate necessary in a suit between private parties. The term 'any suit' in Section 4 of Act XXIII of 1871 should be so construed as to mean only a suit in which the Government or any of its officers is a party. Had the Legislature intended to debar the Civil Courts from the cognizance of all suits relating to pensions or money grants conferred by the Government, it would have said so in more precise and emphatic language than it has done in this or any other section of the Act. So important a privilege as that of suing in the Civil Courts should not be taken away by so imperfectly expressed an enactment. Nor will the Courts divest themselves of jurisdiction unless it be explicitly taken from them by the Act. Section 5 of the Act provides that a claimant of grant of money or land revenue may go to the Collector for the disposal of his claim, which may be disposed of according to such rules as the chief revenue authority may prescribe,\* or be certified under Section 6 of the Pensions Act as a matter fit for the adjudication of the Civil Courts. But neither Section 5 nor any other section lays down that a claimant shall not go to the Civil Court directly. The joint effect of Sections 4, 5, and 6 seems to be—*first*, that when a person wishes to proceed against a private individual, no certificate whatever is necessary; *secondly*, that if he does ask the Collector to dispose of his claim, he must abide by his decision as arrived at in conformity with departmental rules; *thirdly*, that if dissatisfied with the decision, or expected decision, his only remedy is the permission of the Collector for the trial of the suit by the Civil Court; but, *fourthly*, that if a person chooses to go to the Civil Courts directly without the intervention of the intermediate step, there is no objection to his doing so. This intermediate step is not altogether superfluous or unreasonable. It is quite consistent with reason to suppose that the Legislature should have provided a short and summary procedure for the disposal of their bounty; but that, at the same time, they should have imposed the necessity of providing a certificate from one of their authorized officers as a condition for a person wishing for a judicial decision after having elected to move for the adoption of the summary procedure.

\* These rules were published on 7th August 1873. See the *Bombay Government Gazette* of that date, p. 656.

A pauper respondent is not obliged to pay stamp for his objections. Section 16 of the Court Fees' Act only intended to place a pauper respondent on the same footing as a pauper appellant.

*Pandurang Balibhadra*:—The property in dispute is all *watan* property attached to offices, the revenue of which is alienated to the grantees. The whole of it is, therefore, amenable to the Pensions Act. The object of this Act is to leave the Government and its officers unfettered in the disposal and distribution of their bounty. It is only in case they feel a difficulty that the Act allows recourse to be had to the Civil Courts. This is a condition precedent to the Civil Courts' jurisdiction; and the Legislature has in Section 6 provided a form which that condition is to assume. The Collector's certificate is, therefore, absolutely necessary in all suits independently of whether Government be a party or not. If Section 4 was not meant to exclude suits between private parties, there was no necessity to enact Section 9, whereby an exception is made in favor of suits between *Inamdar*s and their tenants.

*Ghanasham Nilkanth* in reply:—The object of the Pensions Act is not to control the Civil Courts in determining the relative rights of coparceners but to protect the Government. As long as Government have not to pay more than the aggregate sum admitted by them to be due, it does not matter to them how it is distributed amongst the sharers.

WEST, J., in delivering the judgment of the Court said:—The first point that arises for disposal is, whether a pauper respondent is entitled to present objections at the trial of an appeal without payment of stamp duty under the Court Fees' Act VII of 1870. Section 16 of that Act says absolutely that "the Court shall not hear such objections until the respondent shall have paid the additional fee" due under the Act. No exception is made in favour of pauper respondents. It has been argued by Mr. Ghanasham that a pauper respondent is, when he presents an objection, a pauper appellant, and entitled to the indulgence in that character; but the grammatical construction of the Act does not allow this indulgence to him, and the reason for this probably was that he already had the opportunity of directly making an appeal without expense for Court fees, and that an inquiry into his pauperism at the last stage of the case would involve great delay and inconvenience. We do not think, therefore, that there is any good reason for departing from the literal construction of the enactment to which we have referred.

The second point is, whether the claim was wholly or in part placed beyond the jurisdiction of the Civil Courts by the provisions of Act XXIII of 1871. On the mere grammatical interpretation of Section 4 of that Act no doubt,

we think, could reasonably be entertained of its shutting out the jurisdiction of the Civil Courts, in a case like the present. Doubt is created only by the anterior improbability of the Legislature's having intended to shut out all co-sharers in public *beneficia* from the ordinary Courts even for the determination of their relations *inter se*, without expressing that intention more directly and emphatically than it has done in Act XXIII of 1871. That Act is, in its earlier portion, obviously intended to guard the executive Government against responsibility to the Civil Courts; but it has been contended that Section 4 should be construed as extending only to claims made against Government for either the whole or some portion of an alleged alienation or allowance out of the revenues. Section 6, it is urged, would then apply to cases in which the executive, absolute as it is with respect to such matters, might desire to be guided by a knowledge of the legal, or *quasi* legal, relations of the parties. But if Section 4 had been intended to apply only to suits against Government and its officers, it is hard to conceive that this should not have been plainly said. As it stands, the section extends to all suits relating to any grant of money made by Government; and the plaintiff, who seeks a share in such a grant from his alleged co-sharers, must, we think, be said to bring a suit relating to the grant. Section 5 provides another remedy, such as it is, for the claimant shut out from the Civil Court; and the true intention of Section 6, we think, is to enable the revenue officer, who may be puzzled by the duty which Section 5 casts on him, to refer the parties to a Civil Court for the determination of their respective interests in the income or other benefit which the executive will still, as against either or both of the litigants, be at liberty to allow or to withhold. Section 9 of the Act provides for the case of an *Inamdar* suing his inferior holders or tenants for the land revenue due to him which, it is said, he may recover as he would recover rent. "Nothing in Sections 4 and 8," it is said, shall preclude him from this remedy, and, unless Section 4 was intended to affect other suits than those against Government, this mode of expression would not have been adopted. Again, Section 14, Art. (8), enables the chief controlling revenue authority to make rules for "reference to the Civil Court under Section 6 of persons claiming a right of succession to, or participation in, pensions or grants of money or land revenue payable by Government," which rules are to have the force of law. A person claiming participation in a payment might, no doubt, go direct to the Collector to ask for it, and then be referred to the Civil Court, without such a course necessarily excluding an alternative resort to the Civil Court and the exercise of the Court's jurisdiction in the case of one seeking, without application to the

Collector, to establish his right as against his usurping co-sharer; but this is not the necessary construction, nor, we think, looking to the general purpose of the Act, the most probable one. That purpose appears to be to keep the distribution of what is regarded as a bounty of Government wholly in the hands of its executive officers; and if suits for shares could be brought, and rights, or the semblance of rights, established, by some co-sharers, while Government was paying the whole proceeds of a cash allowance to other sharers, the reclamations of the former would at least be embarrassing. They would practically necessitate an investigation by the revenue officer under Section 5, which must terminate by an adjudication similar to that of the Civil Court if it were meant to command any public confidence, or else would entail a reference to the Civil Court under Section 6 with a similar result. Thus, private parties refused a hearing, or such a hearing as they desired, by the revenue officer, might, so to speak, force his hand, and gain their end by a circuitous process. This cannot have been intended, and the grammatical interpretation of Section 4 prevents such a consequence arising.

We are of opinion, therefore, that, even when proposing to sue a co-sharer to establish his right to an *aliquot* portion of any allowance paid by Government, the suitor must go to the revenue officers and obtain their permission to proceed, and a corresponding certificate under Section 6. We have arrived at this conclusion reluctantly, and not without some doubts as to its correctness; but, upon the whole, we do not think we can properly construe the Act in any other sense than that which we have given to it.

These remarks apply only to the allowances paid by Government to the family to which the parties belong. As to the lands held by them free from assessment, it has recently been held in this Court by the Chief Justice and Larpent, J., (Special Appeal 507 of 1873) that land held under a grant bestowing them, and not merely the Government revenue arising from them, do not fall within the provisions of the Pensions Act. Mr. Pandurang has contended that there is necessarily a Government revenue arising from the lands in this case, and that it does not appear clearly that the lands, and not merely the revenue arising from them, are held by the parties. But freedom from liability to land revenue is not identical with holding a grant of land revenue, any more than the extinction of an easement by becoming sole proprietor of the property, servient as well as dominant, is a grant of an easement. The land revenue arising from a man's own holding, when it is remitted, and the land pays nothing, is rather extinguished than granted. The lands were not in this case claimed for possession *in specie*; but the reason assigned for this is that they are occupied by lessees who cannot be displaced;

the point was not raised in the Court of first instance that the claim was one for alienated land revenue, and we understand it to have extended to the lands themselves, subject, of course, to the rights of the tenants.

We must, therefore, as to the lands in the proceeds of which the plaintiff seeks to establish his right as a sharer, remand the cause to the District Court, that the Judge, after determining what portion of the claim relates to lands, as distinguished from money allowances, may pronounce on the other points that arise, viz., as to whether the suit was barred by limitation, and as to what deductions, if any, are to be made on account of expenditure necessarily or properly incurred by the defendants out of the property in which the plaintiff claims a share. He will take such evidence as the parties may adduce on these points respectively.—*The Indian Law Reports*, Vol. I, Part IV, page 75.

## HIGH COURT—ALLAHABAD.

[Appellate Civil.]

TURNER, OFFG. C. J., AND SPANKIE, J.

*Act VIII of 1859, Section 2—Res judicata.*

*When a plaintiff claims an estate, and the defendant, being in possession, and knowing that he has two grounds of defence raises only one, he shall not, in the event of the plaintiff obtaining a decree, be permitted to sue on the other ground to recover possession from the plaintiff.* (Woomatara Debia v. Unnopoorna Dassee).\*

*Where, therefore, the defendants purchased an estate in the plaintiff's possession and sued him to recover possession of it, and the plaintiff resisted the suit merely on the ground that he was the auction-purchaser of it, and the defendants obtained a decree, and the plaintiff then sued claiming a right of pre-emption in respect of the property, a claim which he might have asserted in reply to the former suit, HELD, that he was debarred from suing to enforce such claim.*

Baldeo Sahai v. Bateshar Singh and others.†

THE defendants purchased on the 18th September 1873, a share in mauza Tajpur which was in the possession of the plaintiff. The plaintiff denied the title of their vendor, alleging that he was in possession of the property in virtue of its purchase at an auction-sale. The defendants accordingly brought a suit

\* 11 B. L. R. P. C., p. 158.

† Special Appeal No. 18 of 1875, from a decree of the Subordinate Judge of Ghazipur, dated the 30th September 1874, reversing a decree of the Munsif of Ballia, dated the 15th August 1874.

against him to recover possession, by the establishment of the title of their vendor. The plaintiff pleaded his title as auction-purchaser. The defendants obtained a decree for the possession of the property, and applied for its execution, upon which the plaintiff instituted the present suit, claiming a right of pre-emption in respect of the property, basing the claim on a condition in the village administration-paper to the effect that it was competent to each proprietor to sell his own share, but so long as an *haq shafawala* (pre-emptor) was willing to buy it, it must not be sold to a stranger. The defendants pleaded that the plaintiff was not in a position to advance a right of pre-emption, because he had neglected to do so in the former suit, and merely impugned the title of their vendor.

The first Court held that the plaintiff was entitled to maintain the suit, notwithstanding his omission to set up his pre-emptive title in the previous suit; and decreed the claim. The lower Appellate Court dismissed the suit on independent grounds which it is immaterial for the purposes of this report to state.

On special appeal by the plaintiff to the High Court the defendants again contended that the plaintiff was estopped from suing to enforce the right of pre-emption claimed by his omission to plead the right as an answer to the former suit.

Munshi *Hanuman Parshad*, Munshi *Sukh Ram*, and Lala *Lalta Parshad* for the appellant.

The Senior Government Pleader (Lala *Juala Parshad*) and Pandit *Bishambar Nath* for the respondents.

The judgment of the Court was as follows :—

In 1873 the respondents purchased the share of which the appellant claims pre-emption. The appellant denied the title of the vendor, but the respondents instituted a suit against the appellant, and having succeeded in establishing their vendor's title, they obtained a decree for possession. The appellant then instituted the present suit to have the sale to the respondents set aside, and a sale concluded in his favor as pre-emptor. It is contended that, the respondents having succeeded in obtaining a decree for possession in a suit to which the appellant was a party, he is now debarred from suing to enforce a claim which he might have asserted in reply to the claim formerly made by the respondents, and decreed in their favor. We admit the validity of the plea. It would have been a good answer to the claim then advanced that the sale on which it was founded was invalid, in that the defendant was entitled to a prior right of purchase and ready to exercise it. In *Srimut Rajah*

*Mooloo Vijaya v. Kalama Natchiar*,\* it was declared by the Privy Council that, "when a plaintiff claims an estate, and the defendant, being in possession, resists that claim, he is bound to resist it upon all the grounds that it is possible to him, according to his knowledge, then to bring forward," and that, if he fails to do so, he is estopped from asserting any of them thereafter. This dictum was cited and re-affirmed in *Woomatara Debia v. Unnopoorna Dassee*,† decided by the Privy Council on May 13th, 1873. We must, then, allow the plea urged by the respondents and dismiss this appeal with costs.‡—*The Indian Law Reports*, Vol. I, Part III, page 75.

#### CIRCULAR ORDER OF THE BOARD OF REVENUE.

No. IV.

STANDING No. 198-5.

##### LIQUORS OTHER THAN THOSE INCLUDED IN THE ABKARI FARM.

*Proceedings of the Board of Revenue, dated  
1st May 1876, No. 1,134.*

In issuing licenses for the wholesale and retail vend of liquors other than those included in the Abkari farm, Collectors will adopt the annexed amended Forms I. and K., which contain an additional condition to the effect that accounts are to be kept, that they are to be open to inspection at any time, and that the licensee shall furnish such returns of sales as the Board shall from time to time prescribe.

2. It will be observed that the privilege of vending country brewed beer is not conveyed by the Board's Proceedings, dated 17th Jany. 1876, No. 117. The amended licenses. For the sale of country brewed beer, wherever shops have been sanctioned under the Board's orders, licenses in the same form will be issued conveying the privilege of vending country brewed beer only on payment of the regulated fees, viz., Rupees 25 for a wholesale and Rupees 15 for a retail license.

I.—Form of License for the sale of Liquors (other than those included in the Abkari Farm and country brewed Beer) not to be drunk on the premises.

I, A. B., Collector of the District of ,  
being duly authorized by the Board of Revenue

\* 11 Moore's Ind. App., p. 73.

† 11 B. L. R. P. C., p. 169.

‡ See *Maktrum Valad Mohidin v. Imam Valad Mohidin*, 10 Bom. H. C. R., p. 293, and *Janaki Ammal v. Kama-lathammal*, 7 Mad. H. C. R., p. 263.

under the provisions of the Abkari Act (Madras Act III of 1864) in consideration of the payment of a fee of Rupees 25, hereby license C. D. to vend at in the district of during the Revenue year ending June 30th 187 , such liquors as may not be included in the Abkari farm of with the exception of country brewed beer (and to grant permits for the transit within the said district of such quantities of liquor as may have been sold by him not exceeding fifty gallons\*) on the following conditions:—

\* To be entered in such licenses only as the Collector thinks proper.

1st.—That the said C. D. shall not sell to any one arrack or toddy, (fermented palm-juice,) or country brewed beer, or any liquor included in the Abkari farm of

2nd.—That the said C. D. shall not permit any person to consume on the said C. D.'s premises any of the liquor sold by the said C. D.

3rd.—That the said C. D. shall not sell or give any liquor to any Non-Commissioned Officer or Soldier without the permission of the Commanding Officer in writing, nor to any member of the Mofussil Police while on duty, nor to any European Vagrant under escort without the consent of the escort.

4th.—That the said C. D. shall not sell liquor to any person in any quantity less than half a gallon at a time, and that in sales of bottled liquors the said half gallon shall be taken to represent three ordinary wine bottles.

5th.—That the said C. D. shall keep accounts showing the quantity of liquor obtained by him for sale, the source whence it has been obtained and the quantity sold, that such accounts shall be at any time open to the inspection of the Collector or any subordinate whom he may depute for that purpose, and that the said C. D. shall furnish such returns of sales as the Board shall from time to time prescribe.

6th.—That this license shall be revocable by me forthwith if the said C. D. fails to conform to any of its conditions, and shall be revocable with the sanction of the Board of Revenue for any other cause on giving fifteen days' notice of such recall.

Given under my hand and seal this day of in the year 187 , at

(Signed) A. B.,  
Collector.

N. B.—Any breach of the conditions of this license will render the above-said C. D. liable to the penalties prescribed in the Abkari Act.

K.—Form of Retail License for Hotels, Refreshment Rooms, Taverns, &c., for sales of Liquors

(other than those included in the Abkari Farm and country brewed Beer) to be consumed only on the premises.

I, A. B., Collector of the District of , being duly authorized by the Board of Revenue under the Abkari Act (Madras Act III of 1864) in consideration of the payment of a fee of Rupees 15, hereby license C. D. to vend by retail at all spirituous and fermented liquors other than those included in the Abkari farm of with the exception of country brewed beer, during the Revenue year ending June 30th, 187 , on the following conditions:—

1st.—That the said C. D. shall not sell to any one arrack or toddy or any other liquor which may be included in the Abkari farm of or country brewed beer.

2nd.—That the said C. D. shall not permit any person to remove from his premises more than one pint of any of the liquors purchased from him.

3rd.—That the said C. D. shall not sell or give any liquor to any Non-Commissioned Officer or Soldier without the permission of the Commanding Officer in writing, nor to any member of the Mofussil Police while on duty, nor to any European Vagrant under escort without the consent of the escort.

4th.—That the said C. D. shall not sell any liquor between the hours of 9 P. M. and 6 A. M. except to lodgers in his house or to bond fide travellers arriving between those hours.

5th.—That the said C. D. shall prevent all drunkenness or gaming or disorder within his premises, and shall conform in all other respects to the provisions of the Abkari Act.

6th.—That the said C. D. shall keep accounts showing the quantity of liquor obtained by him for sale, the source whence it has been obtained and the quantity sold, that such accounts shall be at any time open to the inspection of the Collector or any subordinate whom he may depute for that purpose, and that the said C. D. shall furnish such returns of sales as the Board shall from time to time prescribe.

7th.—That this license shall be revocable by me forthwith if the said C. D. fails to comply with any of the conditions contained in it, and with the sanction of the Board of Revenue shall be revocable for any other cause on giving fifteen days' notice of such recall.

Given under my hand and seal this day of in the year 187 , at

(Signed) A. B.,  
Collector.

N. B.—A breach of any of the conditions of this license will render the said C. D. liable to the penalties prescribed in the Abkari Act.

[June 15, 1876.]

## OFFICIAL PAPERS.

## CASTILLOA.

*Proceedings of the Madras Government, Revenue Department, 3rd May 1876.*

Read the following letter from A. O. HUME, Esq., c.b., Secretary to the Government of India, Department of Revenue, Agriculture, and Commerce (Forests,) to the Secretary to the Government of Madras, dated Calcutta, 17th April 1876, No. 328 :

With reference to Mr. Collins' report on the caoutchouc of commerce forwarded to the Government of Madras with Her Majesty's Secretary of State's Despatch, No. 8 (Revenue), dated the 30th April 1873, I am directed to transmit copy of a despatch No. 27 (Revenue—Forests) of the 23rd December last and of its enclosure, and to request, in case the Government of Madras desire that the Castilloa should be cultivated in the garden on the Coonoor Ghaut, that the Secretary of State may be addressed direct as regards the number of plants required and the mode and time of their transmission from England.

2. I am to add that the Castilloa being a purely tropical tree, regarding which it is doubtful whether it will stand the long dry and hot season of the greater part of the Peninsula of India, it may perhaps be found that Travancore offers the only locality in the Peninsula suitable for its cultivation on a large scale, but that perhaps a commencement may usefully be made in the garden below the Coonoor Ghaut.

## ENCLOSURE No. 1.

Despatch from the Right Honorable the Secretary of State for India.

Revenue—Forests, INDIA OFFICE, LONDON,  
No. 27. 23rd December 1875.

MY LORD,—I have to acknowledge the receipt of your Excellency's despatch, dated the 6th of September (No. 18) 1875, and am glad to find that the plantations of *Ficus elastica* in Assam are on the whole progressing satisfactorily. Together with the cultivation of the plants, the questions relating to the best time for tapping, the yield per tree, and to improvements in the collection and manufacture should receive careful attention.

2. With a view to the introduction of the valuable India-rubber yielding trees from South America into India, I have sanctioned several steps to be taken, and among others the employment of Mr. Cross to obtain plants of the Castilloa trees from the forests of the Darien Isthmus. Mr. Cross has performed this service successfully, and has brought home 300 *Castilloa* cuttings, which are now established in a hot-

house at Kew. They will be transmitted to India in accordance with advice received from Dr. Hooker as to the time and method, and I herewith transmit, for the information of your Government, copy of Mr. Cross' account of the native habitat and growth of the Castilloas. Dr. Hooker suggests that it is desirable that both the Hevea and the Castilloa plants should not be detained at the Calcutta gardens, where the climate will be injurious to them, but that they should be entrusted to the care of Mr. Gustav Mann and forwarded to Assam with as little delay as possible.

I have, &c.,

(Signed) SALISBURY.

His Excellency the Right Honorable  
The Governor-General of India in Council.

Extracts from report on the collecting of seeds and plants of the India-rubber tree (*Castilloa elastica*) in the forests of the Isthmus of Darien by Robert Cross.

The tree is found growing from  $1^{\circ}$  south latitude to  $20^{\circ}$  or more north of the equator, but in such a wide expanse of country there are probably various varieties, most of which, however, may bear a close resemblance to each other, although some may be of more robust habit than the rest and attain to a greater size.

Of late years a good deal of India-rubber has been brought from the forests on the Pacific Coast south of Panama near to a scattered village called Darien. The Indians in this region have been rather hostile to the collectors, and the export has in consequence been much reduced. The greater portion of the interior of the Isthmus has been explored and the largest trees have been cut down. North of Panama, in the district of Chorera, there were once considerable numbers of trees, but these have been, to a great extent, demolished by the natives, who usually cut down the trees in order to tap or bleed them more easily.

The rubber saplings always appeared to grow most freely on the banks of little cool clear streams, the roots often running down to the edge of the water. They abounded also in deep rich soil along the base of the hills and in both deep and shallow ravines. Plants were likewise met with on the summits of the ridges, and in fact in all localities where there was no swamp or marsh land. Some plants were observed growing among masses of volcanic rock, where there was not much soil, but plenty of decaying leaves and particles of débris. Prostrate trunks were observed on the way, some of which had attained to a great size.

Shortly after my first arrival I collected a few plants, which, with some stout pieces of the stems of saplings cut into lengths, I planted to experiment with. The greater number

prospered wonderfully, and some natives were surprised at the quickness of the result. I put the most advanced of these plants into a small box, and, although some lost a few leaves, yet I brought the best portion home alive.

In general, full-grown trees do not much exceed 160 to 180 feet, with a diameter of five feet and a produce of 100 pounds of rubber. The bark of the trunk is thicker than that of most trees of the same dimensions. The wood is spongy and soft, and decays rapidly wherever injured. The slender branchlets that crown the trunk terminate with four or five large leaves alternately arranged and thickly covered with short brown hairs. Many of the leaves measure 14 inches in length and 7 inches in breadth, and exceed in size those of any other tree of tropical America. According to the natives the leaves fall off the trees in January, after which they begin to flower. In April the new leaves push, and attain their full size in May. But I was assured that young plants and saplings retained their leaves throughout the year. The milk-like juice of the tree, which when congealed forms India-rubber, is obtained by cutting out a groove or ring of bark around the base of the trunk. The milk exudes from the bark into the channel thus formed, and large leaves are placed so as to receive it as it trickles down. The tree is then felled, and rings or channels are cut out around the prostrate trunk, at about twelve or fourteen inches apart. Beneath these leaves vessels are placed into which the milk flows. The contents of all the vessels are afterwards put in a hole previously dug in the ground. The milk left in this way becomes curdled in about two weeks. In the Republic of Ecuador most collectors use of the soft green stem of a Climber, a species of Ipomea, which, when bruised and stirred about in the milk, congeals it in a few minutes. By this last process the milk takes up all the watery particles it may contain, and the produce seemed to be of an inferior kind, possessing a strong peculiar smell, and continually sweating a black ink, like water. Soap is resorted to by some collectors, and also wood-ashes which contain potash. Colling mentions that alum is used in Brazil and salt in the east.

In collecting the milk, the *Combium* need not be hurt as the vessels which contain it really occur in the middle of the bark. Such at least is the case with the Darien-rubber tree.

The employment of any simple implement so formed as to make a groove in the bark to about one-half its thickness is all that is required.

Such an operation would require to be directed by an intelligent careful person, who thoroughly understands how much success depends upon the proper performance of the work. In this way not one single tree in a

thousand would be lost, and the trees might, in my opinion, be operated on annually instead of once in three years, which I have been informed is the practice at Nicaragua.

The temperature of the forests in the interior of the Isthmus ranged from 75° to 88° Fahrenheit. Frequently I have observed the thermometer standing at 80° at eleven o'clock at night, and the same on various occasions at one and two o'clock in the morning. When there occurred a shower of rain accompanied by a north wind, the thermometer went down to 74° for one or two hours, but this was the lowest point to which it fell. I have not been able to ascertain to what altitude the tree grows as no high hills exist on the Isthmus, but I am pretty confident, from observations made while travelling on the Pacific Coast, that it ascends at most to an elevation of about 1,500 feet. At this height the lowest temperature experienced at any time throughout the year would be 62° or 60° Fahrenheit. As regards moisture I happen to have lived and travelled in various rubber districts where the rainfall varied considerably. On the Pacific Coast the tree grows near the Gulf of Guayaquil on flat or gently sloping land in deep deposits of a very sandy loam. The vegetation is moistened by humid fogs, but showers of rain very rarely occur. On the whole the atmosphere is unusually dry. At Esmeraldas the soil is a heavy loam or clay. There are about five months of dry or summer weather, and the remaining months are rainy.

In the neighbourhood of Bueaventura the tree is found dispersed over a broken and dislocated region of narrow ridges of nearly naked conglomerate with steep shelving ravines more than 1,000 feet in depth. Where there is soil it is loam or a kind of clay or made up of vast heaps of decomposing débris. The rains here are almost unceasing day and night throughout the year. This part of the coast and on as far as the river San Juan have been considered by intelligent travellers as the most unhealthy tract of country in the world.

The region proper of the Isthmus of Darien lying farther northward and including Portobello, Colon, Chagres, and Panama is very wet with an excessively damp atmosphere, although the weather is generally better, with some sunshine, during the months of January, February, March and April. The deposit of the low flat hills is more or less of a clay character, but along the banks of streams or rivers the deposit is mostly of rich but deep sandy loam. Many of the localities bordering on the Magdalena possess deep beds of sand and loam resting on a stratum of yellow gravel. The climate is often parched and dry. Rain falls in May, June, July and August. It will thus be seen that this rubber-producing tree is subjected to a variety of climatic conditions which might have been expected from the wide extent

of country over which the species extends. These circumstances appear to me to present a favorable prospect for its successful cultivation in India.

A completely distinct species of tree whence rubber is likewise obtained was seen by me in a locality near the Gulf of Guayaquil. My attention was called to it by the native collectors, who spoke of the large size to which it grew. It has no branches, but simply pinnate leaves from three to five feet in length which form a large tuft on the top of the trunk like a gigantic grass tree. It seemed to be circumscribed to a limited extent of country.

The tree grows so rapidly that, once it is above the usual growth of weeds and shrubs, it is not likely to be overtapped. The natives told me that in about four years young plants grew up to be trees. However, I think six years might be allowed for the development of a tree 16 or 18 inches in diameter. The produce of such a tree would then be 25 pounds. For a tree of this species, 18 inches in diameter, Collins gives a yield of 50 pounds of India rubber.

As a tree becomes older its produce would increase; but, taking a plantation generally, it appears to me a safe calculation that each tree on an average would produce 25 pounds of rubber per annum.

A fairly-grown plantation, six years old, would be worth, at the lowest computation, £6 sterling per tree. I have made these remarks to show that, if the tree succeeds as I fully expect it will, no other tree or plant yet introduced into India will compare with it in the rapid and ample return it is likely to make to the planter.

Order thereon, 3rd May 1876, No 568.

Communicated to the Commissioner of the Nilgiris, who will ascertain and report the number of plants he would propose to plant at Burlar, and when and how they should be obtained from England.

(True Extract.)

(Signed) D. F. CARMICHAEL,  
Secretary to Government.

#### WASTE LANDS ON THE NILGIRIS.

*Proceedings of the Madras Government, Revenue Department, 5th May 1876.*

Read the following papers:—

Proceedings of the Board of Revenue, dated 22nd March 1876, No. 816.

Read the following letter from J. R. COCKERELL, Esq., Commissioner of the Nilgiris, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated Ootacamund, 2nd March 1876, No. 12:—

PARAGRAPH 7 of G. O., Revenue Department,

dated 18th February 1876, No. 240, runs: "The Government resolve to consider whether a system can be framed to admit of the abandonment of the auction system, vesting in the Commissioner authority to dispose of individual applications subject to an appeal to the Board of Revenue, who will, therefore, with all practicable despatch, draw up a scheme of rules for this purpose."

2. Mr. E. C. Fraser-Tytler, a Retired Officer of the Bombay Civil Service, was recently on the Hills, looking out for land for his two sons who accompanied him. The latter await the result of an application for a block which Mr. E. C. Tytler made before leaving for England and which I have now the honor to submit for favorable consideration.

3. The land is forest land situated in the Mekenad Division and comprises 100 acres, which the Messrs. Tytler, junior, wish to open for tea. Their object is to secure the land at once in order that they may settle and build a house before the monsoon begins.

4. Mr. E. C. Tytler is a capitalist, and it seems very desirable that his sons should receive inducement to remain; and, as Government in the paragraph of the Government Order quoted above appear to have abandoned the auction system, I venture to suggest that the present application should be treated under Rule XXIII of the existing rules, which runs, "Nothing contained in these rules shall be held to debar the Government from granting waste land onputta, cowle, or otherwise at their discretion as heretofore," and that I should be authorized to hand over the land to Messrs. Tytler without delay onputta at the usual rate charged for estates.

5. The Deputy Conservator of Forests has visited the land and sees no objection to its alienation. I enclose Mr. Tytler's application with sketch, Major Jago's report, and the report of the Revenue Inspector.

6. In the Government Order above quoted it is stated, "The Committee apparently attribute the tardy occupation of the extensive waste lands on the Nilgiri plateau to the action of the present rules for their acquisition, and overlook the hindrance arising from unfavorable climatic conditions and the prevailing poverty of soil, which limit the field for planting operations and enhance the expenses of cultivating and maintaining estates."

7. With reference to this paragraph, I deem it important to inform the Government that there are ninety applications in my office, involving an approximate area of 7,000 acres, awaiting disposal under the new rules, and there are three applications in which areas are not stated. I am aware, moreover, that several other gentlemen are merely waiting for the abolition of auctions to apply for blocks of land.

**No. 324.**

- The Conservator of Forests sees no objection to the tract in question being sold.

(Sd.) R. H. BEDDOME, Lieut.-Col.

*Conservator of Forests.*

MANANTODDY, 7th March 1876.

**ENCLOSURES Nos. 1 and 2.**—Mr. Tytler's application.

**ENCLOSURE No. 3.**—Major Jago's report.

**ENCLOSURE No. 4.**—Report of Revenue Inspector.

Submitted for the favorable consideration of Government.

2. The Board see no objection to the grant of a *putta* as proposed, provided the applicant consents to abide by the conditions of the new Rules when determined on and to accept a Title-Deed under them. The revision of the Rules is now under consideration, and will be reported on shortly, but Mr. Fraser Tytler is anxious for a speedy disposal of his application, and the Board will not, therefore, defer its submission.

(A true Copy and Extract.)

(Signed) C. A. GALTON,  
*Acting Secretary.*

Proceedings of the Board of Revenue, dated 1st April 1876, No. 902.

Read the following letter from J. R. COCKERELL, Esq., Commissioner of the Nilgiris, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, through the Conservator of Forests, dated Ootacamund, 13th March 1876, No. 13:—

I have the honor to submit, for favorable consideration, an application from Mr. Richard Shubrick for a block of land at Nedivattum of 500 acres more or less in extent.

2. Mr. Knox, the Acting Assistant, has inspected the land. I know the spot. The land is almost entirely grass, and, under the existing rules, I could put it up to sale and hold an auction after three months' notice.

3. Mr. Shubrick, however, is anxious to secure the land at once under rules to be framed with reference to G. O. No. 240, dated 18th February 1876, Revenue Department.

4. I may state here that Mr. Shubrick is the only son of General Shubrick, who for a short time held the office of Commander-in-Chief of the Madras Army. He is possessed of capital, and is a desirable tenant for the Government to locate on the Hills.

5. If the land is not granted, Mr. Shubrick will lose a season as the southern monsoon is already near at hand. I need not remark on the evils of enforced idleness on a young gentleman desiring to settle on land in India.

6. There is a small hanging sholah on the land covering a few acres, but Mr. Shubrick will forego its acquisition at present, in order to obtain possession of the grass at once.

7. I would, however, suggest that he be granted the whole block under Rule XXIII of the Waste Land Rules, which runs:—

"Nothing contained in these rules shall be held to debar the Government from granting waste land on *putta*, *cowle*, or otherwise at their discretion as heretofore."

**No. 394.**

The Conservator of Forests sees no objection to the land in question being granted.

(Sd.) R. H. BEDDOME, Lieut.-Colonel,  
*Conservator of Forests.*  
OOTACAMUND, 24th March 1876.

**ENCLOSURE No. 1.**—Application of Mr. Shubrick.

**ENCLOSURE No. 2.**—Plan.

Submitted for the favorable consideration of Government with the Board's recommendation that a *putta* be granted, as proposed by the Commissioner, on the distinct understanding that the applicant agrees to be bound by any modification of the rules which may be determined upon.

(A true Copy and Extract.)

(Signed) C. A. GALTON,  
*Acting Secretary.*

Proceedings of the Board of Revenue, dated 10th April 1876, No. 968.

Read the following Proceedings of the Madras Government, dated 18th February 1876, No. 240, Revenue Department:—

**ABSTRACT.—Waste lands on the Nilgiris.**—Passing orders on Proceedings, Board of Revenue, on the change of system in connection with the sale of; requesting them to revise the Waste Land Rules generally with reference to this order; and desiring the Commissioner to convey the thanks of Government to the gentlemen who rendered assistance in the discussion of this subject.

In the foregoing order Government direct the Board to draw up and submit for consideration a scheme of rules somewhat on the model

of those proposed in their Proceedings, dated 18th March 1870, No. 1,861, with a view to the abandonment of the auction system for the disposal of applications for waste lands on the Nilgiris. Two points are specially indicated as requiring consideration in connexion with this reference, viz., the propriety of placing a limit on the amount of land acquired by a single individual by requiring the planting of a certain proportion of each original holding before the submission of a fresh application, and the advisability of restricting applications, by which term it is presumed individual grants are meant, to an area less than 500 acres. The Board are also required to revise the Waste Land Rules generally with reference to the order.

2. The Board have revised the rules as directed, but before noticing in detail the points which call for settlement in connection with the revision, they venture to solicit the attention of Government to the correspondence which passed prior to the promulgation of the rules for the sale of waste land in this Presidency as they now stand, as it seems to them open to question whether such a departure from the principles

G. O., 24th Septem- laid down in the Secretary  
ber 1862, No. 2,080. 9th July 1862, No. 14, as  
is now proposed, can be carried out without the  
sanction of the Secretary of State. The letter  
quoted at paragraph 6 of the Order of Govern-  
ment, dated 24th September 1862, No. 2,080,  
as excepting the Nilgiris from the operation of  
the rules, appears to have related exclusively to  
the rates at which land on the Nilgiris was to  
be disposed of, and would seem not to have  
authorized a departure from the principles laid  
down in the Secretary of State's despatch in  
other respects.

3. The superiority of the auction system

Paragraph 4, Clause 8, letter dated 25th February 1862, No. 395.

Paragraph 2, letter dated 22nd July 1862, No. 1,572.

this Government to the Government of India advocating its adoption in all cases. The late Commissioner in his letter of the 7th May 1870, recorded in G. O., dated 22nd September 1871, strongly urged the retention of the system as fairest to all concerned, and the Board appear to have been led by his arguments to modify the opinion they had previously expressed in their Proceedings of the 18th March 1870 as to the feasibility of the change of system they had proposed. The Committee have not noticed the difficulties in the way of the settlement of rival claims and of securing that the preferential claims of neighbouring landholders shall be duly considered in the disposal of applications for land contiguous to their holdings; and

the Board question whether it would not be advisable to retain auction sale for the settle-  
ment of rival claims as

Paragraph 30. was originally proposed in  
the Resolution of the Gov-  
ernment of India even should the abandonment  
of the auction system in ordinary cases where  
no rival claimant appears to be decided upon;  
competition being, however, limited to rival  
claimants and not being open to the general  
public.

4. As regards the vexatious delay which is laid to the charge of the auction system, the Board observe that the fact that by Section 1, Act XXIII of 1863, three months' clear notice must be given in advertising the sale or other disposition of waste lands on account of Govern-  
ment has been overlooked. The Act is general in its terms, and, though the Bill was originally framed with reference to the rules for the sale of unassessed waste in fee simple, the Nilgiris have not, as far as the Board are aware, been exempted from its operation. The only papers relating to the Bill when under discussion traceable in the Board's Office are G. O., dated 27th September 1862, No. 2,109, communicat-  
ing copy of the Bill and letter from the Supreme  
Government relating thereto, and the Board's reply, dated 2nd October 1862, No. 6,646. The Board took exception to Section 17 of the Bill, and suggested that an order should be passed excepting the Nilgiris from the operation of the recently prescribed rules and of the law passed in furtherance of those rules. The Bill was considerably modified and Section 17 struck out, but no order excepting the Nilgiris from the operation of the rules and Act was issued as far as the Board are aware, and they, therefore, conclude that the Act does apply to the Nilgiris. The abandonment of the auction sys-  
tem will consequently not obviate the necessity for deferring the disposal of applications until the lapse of the time fixed by the Act, and the Board believe that a period of three months suffices for all the preliminaries under an auction system as pointed out at paragraph 15 of their Proceedings of 13th October 1875.

5. The Board will now proceed to notice the points calling for settlement in the revision of the rules. The direction to "revise the Waste Land Rules generally" with reference to the Government Order under reply has been understood to apply only to the Nilgiri Rules, as the order does not affect the system for the disposal of land elsewhere.

The following points seem to require no-  
tice:—

1st.—Whether any price should be charged additional to the cost of demarcation and survey.

2nd.—The advisability of a limitation of the area of grants.

**3rd.**—The question of placing a limit on the extent of holdings by requiring a certain proportion to be planted up before the acquisition of fresh land.

**4th.**—The extent to which adjacent land-holders should be held to have a preferential claim.

**5th.**—The disposal of timber on land granted under the rules.

**6th.**—The mode of disposal of applications for building lots within the limits of the settlements of Ootacamund, Coonoor, and Kotagerry.

**7th.**—The disposal of auriferous tracts.

6. As regards price, the Committee propose that the cost of demarcation and survey at a uniform rate of Rupees 2 per acre should be the only charge. In paragraph 16 of their Proceedings of the 13th October, the Board took this proposal as contemplating that the deposit should be made at a fixed rate, but should be subject to subsequent adjustment of any excess or deficiency on ascertainment of the actual cost. The meaning of the rule is not very clear, but it is apparently intended to provide for a charge or refund only in the event of a discovery of a difference between the estimated and actual areas by survey, the acreable cost not being taken into consideration. In their Proceedings of the 18th March 1870, the Board proposed that a fixed rate of Rupees 5 per acre, or Rupees 6 for forest and Rupees 4 for grass, should be charged, including cost of demarcation and survey. The Board are not aware what the average of the prices realized and of the survey charges has been, the Commissioner not having as yet submitted the statement called for in paragraph 11 of the Proceedings of the 13th October 1875, but the fixed rate proposed in 1870 is probably considerably in excess of the average; and as the Board have every desire to lighten the burden upon the planters, and heavy charges imposed at the outset press more severely than those which descend only after the lapse of some time, in that they curtail the means available for clearing and cultivation, they think it will be sufficient to charge the actual cost of demarcation and survey, the estimated cost, say at the rate of Rupees 2 per acre, being deposited at the time of application. There is no objection to a fixed rate for deposits, but a uniform charge of Rupees 2 per acre would not be fair, as the cost of survey varies so greatly according to the nature of the locality—*viz.* paragraph 8 of Mr. Brecks' letter of the 7th May 1870.

7. The second question, *viz.*, the advisability of a limitation of the area of the grants, must be considered in connection with the third, *viz.*, the propriety of requiring that a certain proportion of each original holding be planted up before a fresh application can be entertained.

Under the existing rules blocks of 500 acres are prescribed, and several contiguous blocks, each not exceeding that limit, may be applied for. The Committee proposed the abolition of this restriction as to the size of the blocks, but the Board pointed out that, if the system of auction is to be retained, the size of the lots must be limited. Now that the abolition of the auction system is proposed, it becomes necessary to consider whether land-jobbing can best be checked by a limitation of the aggregate area to be assigned to each individual, or by requiring that a certain proportion of each holding shall be planted up within a definite period. The present limit to the size of the blocks seems suitable; any reduction would only increase the acreable cost of demarcation and survey where several contiguous lots are applied for, and as long as it is open to an applicant to take up as many lots as he pleases, a mere alteration of this limit would not be effectual. The limitation of the aggregate extent of land which each individual may acquire, with a view to check speculation, is open to the objection that any such regulation can be easily evaded by putting in applications in the names of relatives and friends. Moreover, it would be difficult to fix a limit suitable to the varying means of intending settlers so as not to check unduly legitimate enterprise. The only feasible plan, therefore, appears to be to require that a certain proportion of each holding shall be planted up within a certain period as a guarantee of *bona fides*. The proposal to require compliance with this condition in respect of previous grants before the submission of fresh applications does not commend itself to the Board, as it would debar planters in a position to extend their operations from doing so.

8. At paragraph 18 of his letter, recorded in Board's Proceedings, dated 18th March 1870, the late Commissioner recommended that the postponement of the Government demand should be conceded subject to a proviso that at least a third of each estate should be planted up with 500 plants to the acre within the first four years, and in default that the whole estate should be liable to payment of the full assessment from the date of purchase. It appears from paragraph 7 of the same letter that a similar condition is imposed in Travancore, and the Board consider that some such stipulation is fair and necessary in the interests of Government. To prevent, as far as possible, land being taken up for purposes of speculation and abandoned before the assessment falls due, the grantee should bind himself to cultivate a specific portion, say one-fourth of each grant, within the first five years, failing which the full assessment should be levied from the date of the grant. Of course, this stipulation will not absolutely secure Government against all risk of loss, but, coupled with the proviso that

no refund of the deposit will be made in the event of the application being withdrawn as proposed by the Committee, the risk will be as small as circumstances will admit of. The prohibition of the Government of India at paragraph 14 of the Resolution of the 17th October 1861 against the imposition of any such condition had reference to sales of land in fee simple, and the objections to the restriction have not the same force in respect of land held subject to annual assessment. The Board consider that some stipulation of the sort is absolutely necessary if auction sale is to be abandoned.

9. The Board cannot support the Committee's proposal that the assessment should be levied only on the cultivated area; the assessment should be levied in the sixth year on the entire holding. The Committee's proposal involves the necessity for periodical inspections, to which there are great objections, and the system was disapproved of by the Secretary of State in his despatch embodied in G. O., dated 5th October 1863, No. 1,810. General and local taxes should be payable from the date of the grant, notwithstanding the postponement of payment of the assessment.

10. 4th.—As regards the extent to which adjacent landholders should be held to have a preferential claim, and the mode in which this right is to be secured. This point presents one of the chief difficulties in the way of the abolition of auction. The Government of India originally directed the reservation of blocks of land adjoining grants at the grantees's request for future occupation, but the auction system was prescribed and secured the rights of adjacent landholders by enabling them to secure land adjoining their properties by out-bidding the applicant. In their Proceedings of March 1870, the Board suggested the following general rule for the settlement of claims preferred by the holders of adjacent estates, viz., that they were to have the option of taking the land applied for "should it be so situated with reference to communications, water, &c., as seriously to affect their plantations." The late Commissioner, in his letter of the 7th May 1870, pointed out the difficulties in the way of deciding how far the interests of existing estate owners will be affected by the grant of particular sites to others, but they have not been noticed by the Committee, who apparently ignore the claims of adjacent landholders. On a full consideration of the whole subject, the Board are of opinion that the instructions proposed in 1870 were too general and virtually left the decision of a very difficult matter to the Commissioner. Whilst admitting that cases may arise in which a neighbouring landholder should have the preference, the Board do not see their way to laying down any definite rule on the subject, and they do not consider it fair

to throw the whole responsibility on the Commissioner. They are therefore of opinion that priority of application should decide rival claims; in the event of two or more simultaneous applications, i.e., during the same day, the decision should be left to the discretion of the Commissioner and a neighbouring landholder should have the preference. The rights of the hill tribes must of course be respected; but with the present favorable rules as to payment of assessment, there is no hindrance to the acquirement by estate owners of adjoining lots which they are likely to require in the future and they must be left to protect themselves. To vest the Commissioner with discretionary power for the decision of conflicting claims subject only to the broad rule for his guidance already adverted to would, the Board fear, lead to as much disappointment and dissatisfaction as has resulted from the auction system in other respects.

11. 5th.—As regards woodlands, the Government have decided that where such are granted the seigniorage is to be paid on the wood and peat removed for sale; the seigniorage on the latter being, it is presumed, the rate leviable on firewood. In their Order, dated 14th July 1869, No. 2,041, the Government approved certain

\* Board's Standing Rules\* framed with the view of securing that the

Forest Department should receive the value of timber standing on all grants of land. These rules are not noticed by the Committee, but the Board understand that they have rarely been acted on. As the Commissioner is, in communication with the Conservator, to have all necessary reservations defined, there is sufficient security that land containing timber having a saleable value will not be alienated, and as no charge is to be made for wood consumed by the planter himself, the rules contained in Standing Order No. XXVIII of 1869 will not be embodied in the revised rules for the Nilgiris. The Board consider that seigniorage should also be charged on wood and peat removed for consumption beyond the limits of the estate, for other than bona fide estate purposes.

12. The question of sale of building lots within the stations next demands consideration. The Committee's revised rules are not to be held applicable to building lots within the settlements as laid down in the Revenue Survey Maps. The auction system must of course be retained for the disposal of applications of this nature, and to obviate the necessity for two different sets of rules and forms of deed, the Board suggest that building lots be put up in freehold under the general waste land rules at an upset price equal to 25 years' purchase of the assessment, viz., Rupees 25 per acre, in addition of course to the cost of demar-

cation and survey. This is in accordance with the rules of 1859, when building sites were sold at an upset price of

*Title paragraph 3, G. O., dated 6th December 1862, No. 2,554.* Rupees 20 per acre, i.e., 20 years' purchase of the assessment, not Rupees 2 as twice stated in the Committee's report.

As the area of the lots is trifling, the requirement to pay the capitalized value of the land will not be burdensome. The Board understand that G. O., dated 22nd September 1871, reducing the rent of grazing land from Rupee 1 to Anna 8 per acre, has been applied to building lots within the stations. The Board consider that from the wording of the order in question the concession was intended clearly to apply only to grazing land, and no more lots should be sold at the lower rate until the orders of Government on this point are issued.

13. The next point is the disposal of amiferons tracts. As one or two applications to prospect on the Nilgiris have been made and the revision of the rules is under consideration, the question of modifying the form of deed under which land is held so as to secure the rights of Government requires

*Board's Proceedings, dated 20th December 1875, No. 3,384.* notice. The Board have already submitted their views in reply to a reference regarding such tracts in the Wynand, and sug-

gested that a special maximum limit of 100 acres should be prescribed, and that provision for the levy of a royalty should be made in the deed. In reporting on the question, the Board overlooked the fact that the Government of

*Paragraph 12, Resolution, dated 12th October 1861.*

*Resolution embodied in G. O., dated 3rd April 1867, No. 779.*

India originally intended that the deed should convey all rights of mines, and that they subsequently expressly ruled that waste lands believed to contain mineral wealth should not be either sold or leased as waste land for agricultural purposes, but should form the subject of special agreement. The draft Rules, therefore, will contain a clause that applications for lands supposed to contain mineral wealth should not be disposed of under the Waste Land Rules, but reported for orders.

14. The Board have now noticed all the points which appear to call for settlement in connection with the revision of the rules, and have modified them in accordance with the conclusions at which they have arrived. The forms of deed should, the Board consider, be redrawn by the Law Officers of Government. Forms X and Z must be altered to suit the new conditions. Forms U, V, and Y may be dispensed with, and a simple advertisement of the particulars of land applied for substituted for Form W. Form T embodied in Board's Pro-

ceedings, dated 6th October 1864, No. 6,562, which was drawn up to meet a difficulty experienced at the outset in getting lots surveyed, in consequence of which the sale of waste

*G. O., dated 28th February 1863, No. 439.* before survey was permitted under certain conditions, and which may

still be required in the event of the alteration of the rules leading to a great increase in the number of applications, must be redrawn.

15. With reference to paragraph 8 of the order, the Commissioner will, as directed by Government, take immediate steps in communication with the Conservator of Forests, to have all necessary reservations of woodlands, grazing lands, and swamps defined and marked on a map. With reference to the Board's proposal to retain special report in the case of applications for forest land on the slopes, they gather it to be the intention of Government that the Commissioner should decide, subject to such future revision as may from time to time appear necessary, what portions of the slopes are to be reserved, and that the remainder is to be open for allotment without further reference to the Board or Government. Until the map has been approved by Government special report in the case of woodlands must of course be retained. The Commissioner will note that the main direction of necessary roads and water channels should, as far as possible, be settled at the time of survey.

16. As regards the introduction of Topo Rules suitable to the requirements of the district and the rapid growth of Australian trees, the Commissioner will report, with as little delay as possible, on the working of the rules sanctioned in G. O., dated 30th July 1869, No. 2,228, providing for the grant for firewood plantations of blocks not exceeding 50 acre, rent-free for seven years, subject to confirmation at the expiration of that period by the issue of a title-deed on payment for the future of an annual assessment of Rupee 1 per acre, or to resumption, if not fully planted up. The Board believe that advantage has not generally been taken of the concession then made, and consider that the rules now proposed render the introduction of any special Topo Rules quite unnecessary.

(A true Extract.)

(Signed) C. A. GALTON,  
Acting Secretary.

#### RULES.

*For the disposal of Waste Land on the Nilgiri Hills passed by His Grace the Governor in Council on the*

I. Waste lands in which no rights of private

proprietorship or exclusive occupancy exist, and which may not be re-

\* Rules 16 and 17. served as hereinafter\* pro-  
vided, may until further notice be granted under the following rules.

**II.** Applications for land under these rules shall be addressed to the Commissioner of the Nilgiris and shall comprise the following particulars:—

(a). The estimated area of the land applied for.

(b). The situation of the land and its boundaries as accurately as can be stated.

**III.** No lot shall exceed 500 acres unless otherwise specially ordered by Government; but any person may apply for several contiguous lots, each not exceeding the above limits.

**IV.** Every lot shall be compact and as nearly as possible a parallelogram. When the land touches any road or river the length of the road or water frontage shall not exceed one-half of the depth of the lot, and in all other cases the blocks will be so laid out that, as far as practicable, their length shall not exceed half their depth, provided that the Board of Revenue may, on special cause shown, permit a relaxation of these restrictions—*Vide G. O.*, dated 22nd September 1871, No. 1,656.

**V.** No lot shall ordinarily be granted until it has been surveyed and durable boundary marks have been erected at the expense of the applicant.

**VI.** If on receipt of an application under Rule II the Commissioner has reason to believe that no objections exist to the grant of the land, he shall call upon the applicant to deposit with him the estimated cost of surveying the land and of marking it out with durable boundary marks, calculated at the rate of Rupees 2 per acre on the area applied for. The Commissioner will refund to the depositor any portion of his deposit which may not be actually expended in the survey and demarcation, and the depositor shall pay any deficiency.

**VII.** If the applicant fail to deposit the sum required under Rule VI within one month from the date of demand, his application shall be null and void.

**VIII.** On receipt of the deposit required under Rule VI the Commissioner shall, as soon as possible, cause the land applied for to be surveyed and marked out, and shall exclude from the lot all excess which may be found on survey beyond the limits prescribed in Rule III, and shall issue a notification of the intended grant in the Form W prescribed, so as to admit of the notice required in Rule IX being given.

**IX.** The notification, which shall be in English, Canarese, and Tamil, and shall specify the locality, extent, and boundaries of the lot, shall be posted for three clear months on the land itself as well as in the neighbouring villages, in the offices of the Commissioner, Joint Magistrates and Deputy Tahsildar, and at the nearest Police office; a copy shall also be inserted in the District Gazette, and no allotment shall be made until the intended grant has been advertised as aforesaid for three full months.

**X.** On receipt of an application for land under these rules, the Commissioner shall hold a preliminary inquiry, and if he sees reason to believe that claims will be put forward for the land applied for, or if any claim of private proprietorship or of exclusive occupancy, or of any other right incompatible with the grant of the land under these rules be preferred to the land or any part of it, he will hold the application in abeyance pending the result of such inquiry and the disposal of the counter-claims in due course of law, and the applicant will at once be informed of the objections to the immediate disposal of his application. Should the applicant, however, prefer that the survey should be proceeded with at his risk, the same will be done, and if after the survey it should prove that the lands cannot be granted under these rules, the applicant must pay the expense of surveying them, as well as of surveying any excess beyond the limits prescribed in Rule III. If no such warning be given, and the land should eventually prove not to be available, the survey will be at the expense of Government.

**XI.** An applicant withdrawing his application after the deposit has been made, shall not be entitled to a refund of any portion thereof, and another applicant applying for the same land shall be liable to pay the cost of demarcation and survey, and shall make the requisite deposit on account thereof, notwithstanding that the survey and demarcation may have already been performed partly or wholly at the expense of the former applicant.

**XII.** The first applicant shall ordinarily be the grantee. In the event of two or more simultaneous applications for the same land (*i.e.*, during the same day) being preferred, the Commissioner shall exercise his discretion in making the allotment, the holder of an adjacent estate, if one of the rival claimants, being entitled to the preference, and his decision shall be accepted subject, however, to the appeal allowed by Act XXII of 1863, of which notice must be given within one week, whereupon effect will not be given to the Commissioner's award until a final decision has been passed on the claim in due course of law.

**XIII.** If there be no objection to the grant

of the lot applied for, or when final orders on any rival claims which may be preferred have been passed as aforesaid, the Commissioner shall, as soon as the period of notice prescribed by Rule IX has expired, proceed to put the successful claimant in possession by furnishing him with a written declaration of the grant in the Form U annexed, and the grantee shall, as soon after possession is given as possible, be furnished with a title-deed in the Form X annexed to these rules, provided that possession shall not be given until completion of demarcation and survey except under the following

G. O., dated 28th February 1863.

circumstances : — Should unable to undertake the survey within a reasonable time the Commissioner may, with the previous permission of the Board, give possession on the applicant binding himself by a written deed in the Form T annexed to these rules to conform thereto, to pay any survey expenses incurred in excess of the deposit and to abide by the decision of Government as to any excess which may be found in his lot on survey, whether that decision be the absolute resumption of the excess without any refund or reduction of survey deposit, or whether it be the inclusion of the excess in the lot. The assessment payable on the land will in all cases be regulated by the extent of land made over to the applicant. No lot shall be made over until durable boundary marks have been set up. On completion of the survey a title-deed in Form X shall be issued in lieu of that in Form T.

XIV. Land disposed of under these rules shall be free of assessment for the first five years from the date on which possession is given by a declaration in writing of the grant, and the land shall thereafter be subject to an annual assessment payable on or before the 30th June of each and every year at the rate of Rupees 2 for each acre of forest land and 8 Annas for each acre of grass land, provided the grantee binds himself to plant out, before the expiration of the fifth year, at least one-fourth of the whole extent of each and every grant, failing which the assessment will be leviable from the date of the grant. The system of planting adopted, the number of trees to the acre, and their position in relation to each other, must be such as will satisfy the Commissioner that the land has been obtained *bonâ fide* for the purpose of cultivation.

XV. A grantee under these rules shall not be at liberty to dispute the correctness of the survey after it has been completed on any grounds whatsoever, as, by accepting the declaration of grant, he shall be considered to have waived all objections to the description of the premises or other error in the particulars of the property as exhibited in the map.

XVI. Reserves of grazing and forest land, of land for the growth of firewood, for building sites, parks, recreation grounds and the like, and of land required for other special purposes, shall not be granted under these rules without the express sanction of Government. A register and map of such reserves will be maintained in the Commissioner's office, and will be open to inspection by intending applicants at such times and under such rules as the Commissioner may prescribe by notification in the District Gazette. It shall be open to Government to revise the register and map at any time and to add to the reserved tracts such lands as it may deem desirable so to deal with.

XVII. Grants of forest land under these rules shall be subject to the reservation of a belt of wood fifty yards wide round the sources of springs and streams and along both banks of all streams, and of a band 100 yards wide on either side of all ridges clothed with forest. In case of dispute as to the necessity for retention of a belt the Commissioner's decision shall be final.

XVIII. All timber or firewood from natural wood cut on land granted under these rules removed for sale, or for use beyond the limits of the estate for other than *bonâ fide* estate purposes, shall be charged the usual rates of seigniorage payable on similar timber or firewood removed from forests under conservancy and shall be removed only under a Forest pass. Similarly seigniorage will be charged on peat removed from the land for sale or for consumption beyond the limits of the estate for other than *bonâ fide* estate purposes.

XIX. The annual assessment on lands granted under these rules may at any time be redeemed by the owner on payment of a sum equal to twenty-five times the said annual assessment, and the lands so redeemed shall thereafter be for ever free from all demands on the part of the State on account of land revenue. On payment of the redemption money the owner of the land shall be furnished with a deed in the Form Z annexed to these rules.

XX. Arrears of annual assessment shall be recoverable in the same manner as arrears of Ryotwary Land Revenue are, or may be recoverable by the law for the time being in force in the Madras Presidency.

XXI. Lands granted or redeemed under these rules shall nevertheless become from date of grant and continue subject to all general taxes and local rates payable by law or custom, and the postponement of the demand of land assessment shall not be held to include exemption from general taxes and local rates.

XXII. The existing and customary rights

of Government, of other proprietors, and of the public in existing roads and paths, and in streams running through or bounding lands granted under these rules, are reserved and in no way affected by the assignment of such lands under these rules. The main direction of necessary roads and water channels shall, so far as possible, be settled at the time of survey and the land will then be made over subject to the maintenance of existing rights of way and water.

**XXIII.** Nothing contained in these rules shall be held to debar the Government from granting waste land on patta, cowle, or otherwise at their discretion as heretofore.

**XXIV.** These rules do not apply to lands situated within the limits of the settlements of Ootacamund, Coonoor, and Kotagerry, or to the Wellington Cantonment as defined on the Revenue Survey map. Building lots within those stations not exceeding ten acres in extent, to the alienation of which there may be no objection, shall be sold in freehold under the general rules for the sale of waste lands passed by the Honorable the Governor in Council under date the 5th March 1853, and numbered 476, at an upset price of Rupees 25 per acre plus the cost of demarcation and survey.

**XXV.** When waste lands contain, or are believed to contain mineral wealth, they shall not be disposed of under the Waste Land Rules nor leased, but must form the subject of special agreement. On the receipt of applications of this nature the Commissioner

**Standing Order No. 151-2.** will report to the Board for orders instead of proceeding under the Waste Land Rules. Nothing in these rules shall be held to debar Government from levying any royalty on the produce of mines to which they may be legally entitled.

*Subsidiary Instructions relating to the disposal of Waste Lands on the Nilgiris under the Rules dated*

The Commissioner shall carefully and punc-

tually maintain a register and map of tracts reserved from the operation of these rules as being required for forest purposes, for grazing or firewood reserves, for building sites or for any other public object. The register and map shall be available

\* Under orders from the Secretary of State, if forests contain valuable timber, more especially teak, such forests must not be disposed of under the Waste Land Rules, but must be worked by Government under the Forest Rules. Great caution should be exercised by Collectors in the disposal of all Forest lands, and they should bear in mind the want of sleepers for Railways hereafter to be constructed, and the demand for firewood by the general public.

2. Immediately on receipt of an application for waste land, the Commissioner shall ascertain whether there is any objection to the grant, or whether any special limitation is necessary by reason of the land being required for public purposes.

3. Where no such objections are known to exist, the Commissioner shall give instructions for the demarcation and survey of the land without delay, and shall simultaneously issue the prescribed notification, *carefully observing Rules 8 and 9.* All notices of the intended grant of lands described as lying 'contiguous to,' 'or in the vicinity of,' other lands, the property of individuals named should be transmitted to each of those individuals or to the reported proprietors of such adjacent lands to afford them an opportunity of objecting to the grant and to guard against any inadvertent encroachments on their property.

4. Should any objection or counter-claim be made, the Commissioner should proceed at once to inquire into the merits of the case. Rival claims shall be decided by priority of application, and in the event of two or more simultaneous applications for the same land, i. e., during the same day, the decision will be left to the discretion of the Commissioner. Should one of the rival claimants be the holder of a contiguous estate, he shall be held entitled to the preference. Where objections are raised by Badagas, Todas or Hillmen, land should not be granted to planters if it is in such close proximity to the villages of the former as injuriously to affect their convenience as regards cultivation or pasturage.

5. A separate register of all grants under

the rules shall be kept in the Commissioner's Office in English in the following form :—

Subsequent registered Transfers or Successions.	
Special Reserves, if any.	
Date and Number of Deed of Grant.	
Annual Assessment.	
Area of Lot.	
Name and Boundaries of Lot.	
Division and Village in which Land is situated.	
Name of Grantee (in full).	
Number of Lot.	

6. The original maps or plans and survey records of all such lands shall be kept in a series corresponding with the number in this register, and shall be signed by the Commissioner.

7. The deeds are to be executed in duplicate, and, after being properly filled up and signed, submitted through the Board for the seal of Government. When returned, one copy is to be delivered to the grantee, and the other carefully preserved by the Commissioner in a safe provided for the purpose.

8. The receipts at the foot of the several deeds are to be signed by the Commissioner.

9. The lots must be consecutively numbered in the order of the grants, without reference to locality, and the deeds must bear corresponding numbers.

10. The plans to accompany the deeds must be signed by the Commissioner and securely

attached to the deeds; they must be numbered to correspond with the deeds, and all plans, whether attached to the deeds or upon it, are to be attested by the Commissioner separately.

11. All reserves, whether of streams, roads, rights of way, wood or any other rights, should be clearly shown in the survey plan, being therein detailed and exhibited in some distinctive color. The Commissioner should furnish the Survey Officer with the necessary information on these points, and the area occupied by the reserves should be distinctly excluded from the blocks assigned, the assessment on the area reserved being in all cases deducted from the aggregate assessment of the entire block. As it is essential that grantees should know exactly what their rights will be (the general reservations in the deeds being applicable only to reserves which from any cause cannot be declared at the time of grant), the Commissioner will be careful to see that all reserves, such as those described above, are clearly entered on the maps before submitting them to the Board.

12. Copies of the rules should be kept at the Commissioner's Office and supplied to the Deputy Tahsildar, Coonoor, for sale to the public at 4 Annas per copy.

13. All grants of waste land made under the rules on the Nilgiris shall be reported quarterly to the Board of Revenue.

(Signed) C. A. GALTON,  
Acting Secretary.

Order thereon, 5th April 1876, No. 579.

The Board of Revenue will be informed that any modifications of the present rules which His Grace the Governor in Council may determine to be advisable will probably demand a reference to the Secretary of State; and cannot, in any case, be promulgated for some considerable time. The Commissioner of the Nilgiris should therefore be instructed to call upon Messrs. Fraser-Tytler and Shubrick and other applicants for lands to state whether they are content to have their applications treated as if made under the existing rules. If they decline doing so, their applications will be returned to them. The Governor in Council entirely declines to give them the lands applied for, on the understanding that they will abide by some future new rules, whatever they may be; and he further desires it may be clearly explained to these gentlemen that the fact of their having lodged their applications in anticipation of the appearance of some possibly more favorable rules does not place them in a better position than applicants who may come forward on any change of rules.

(True Extract.)

(Signed) D. F. CARMICHAEL,  
Secretary to Government.

## MISCELLANEOUS.

## INDIAN MORPHIA.

INDIA produces two kinds of opium, of which one is unfit for the manufacture either of morphia, laudanum, opium powder, or tincture of opium. This is the drug which is grown by the Government under monopoly, for the Chinese, who smoke opium, but do not eat it. On the other hand, the entire Sikh nation including the *Jats*, and nearly all Rajpoots, eat a certain quantity of the drug daily but do not smoke it.

The second description of opium is grown in the Hills, and is an exceedingly hardy plant. It withstands snow, sleet, and the hardest frost. The poppy is black and white flowered, and the pods are ready for bleeding in April and May. The opium produced from this plant contains seven per cent of morphia, and is used for all medicinal preparations, but being deficient in narcotine is unfit for smoking, though well adapted for eating. Now the London price of morphia is seldom below twenty shillings per ounce of  $437\frac{1}{2}$  grains, and as India could supply morphia from the plant at a much lower rate, its production as an article of export is perhaps deserving of attention.

The first difficulty to be overcome is to convince the authorities, that the cultivation of a particular kind of European poppy (whose opium from its extreme richness in morphia, is unfit for smoking purposes,) would in no way interfere with the revenue or prove injurious to the population of the Hills.

It might easily be enacted that all *morphia opium* should be sent under permit to Calcutta. Wherever coffee and tobacco thrive, the poppy will. On the Nilgiris and the Hills from Kangra to Darjeeling, the morphia poppy would grow as luxuriantly as the indigenous plant.

It is well known that the best Indian opium is inferior to the Turkish. It yields but  $3\frac{1}{2}$  per cent of morphia, while Himalayan opium as analysed by Dr. Mactier gave 7 per cent. In England the dearness of labour and the climate are opposed to the profitable cultivation of opium, but in France it has been found that poppy seed alone will pay for the cost of culture independently of the capsules, and poppy cultivation was looked on with favor, but from some cause or other does not seem to have progressed. In Germany, the opium collected from the white poppy (*album*) yielded only 7 per cent of morphia, while the black variety (*nigrum*) yielded  $16\frac{1}{2}$  per cent. Fifty chittacks of such opium costing say 10 Rupees per seer or Rupees 33-10-0, should yield eight chittacks of morphia worth £16.—*The Indian Agriculturist*, Vol. I, p. 97.

## THE CULTIVATION OF OATS.

To produce first class Oats from imported seed for conversion into Oatmeal in India, it is necessary to supply the cultivator with practical information on the subject of out culture. The botanical name of the cultivated oat is "*Avena Sativa*." Of this there are many varieties, the chief of which are *Avena Sativa alba* or White Oats, *Avena Sativa Nigra* or Black Oats, *Avena Nuda*, or Naked Oats, Pill, Pilcorn, *Avena Strigosa* or Spanish Oat, also called Thistle pointed Oat.

In England, the grain is used to feed horses, fourteen pounds by the day being the usual allowance; but hard-worked horses need not be stinted. To cause the oats to be thoroughly digested, they should be well wetted with water holding culinary salt in solution. One hundred ounces, or four beer bottles, of water require two and a half ounces of common salt, to make the solution of the requisite strength, and for over seven seers of Indian oats this is not too great a quantity. If the oats are not so wetted with salt water, a great part passes unchanged through the horse's stomach.

The *A. nuda* is considered the best for making groats; the White and Spanish yielding the best oatmeal.

Professor Vogel found that 100 parts of oats afforded 66 parts of flour or meal, and 34 parts of bran; but this proportion would depend upon the quality of the grain. The oatmeal contains 2 parts of a greenish-yellow fat oil; 8.25 of bitterish sweet extractive; 2.5 of gum; 4.30 of a gray substance, more like coagulated albumen than gluten; 59 of starch; 24 of moisture (inclusive of loss). Schroder found in the ashes of oats silica, carbonate of lime, carbonate of magnesia, alumina, with oxides of manganese and iron.

The nourishing powers of oats are 75, barley being only 50, while beans are 100 and peas 80. Hence it follows that a horse fed on oats and beans, receives 175 of nourishment, whilst the same quantity of the best barley and peas will yield only 130 of nourishment, yet with these well established facts staring us in the face, beau culture, in the plains, as a field crop is unknown, and oats are chiefly grown in stud districts, partly by zemiudars, and partly on stud lands. The oat crop takes a considerable amount of mineral matter out of the soil, and as these are poorly represented in the old stud districts, the produce must of necessity have been of very low quality, the assertion being established by the thousands of undersized costly colts and fillies periodically sold to the public for just what they would fetch at auction.

According to Professor Johnston, one hundred pounds weight of oat-ashes were found to

contain of potash and soda, lbs. 26; of lime lbs. 6; of magnesia lbs. 10; of oxide of iron lb.  $\frac{1}{4}$ , of phosphoric acid lbs. 44, of sulphuric acid lbs.  $10\frac{1}{2}$ , of chlorine lb  $\frac{1}{4}$ , of silica lbs.  $2\frac{3}{4}$ , total 100. The European agriculturist will not fail to observe the large quantity of sulphuric acid present against the small quantity of iron, and to supply this artificially by addition to the manure, the use of the sulphate of soda,—another mineral manure kept out of use by the Salt Department—is indispensable. A study of the analysis given below will show what the oat takes out of the soil, and how it may be restored. According to Professor Balfour of Edinburgh "In 1,000lbs. of the grain of the oat, are contained 25.80lbs., and of the dry straw 57.40lbs. of inorganic matter, consisting of

	Grain.	Straw.
Potash ...	... 1.50	8.70
Soda ...	... 1.32	0.02
Lime ...	... 0.86	1.52
Magnesia ...	... 0.67	0.22
Alumina ...	... 0.14	0.06
Oxide of Iron ...	... 0.40	0.02
Oxide of Manganese ...	... 0.00	0.02
Silica ...	... 19.76	45.88
Sulphuric Acid ...	... 0.35	0.79
Phosphoric Acid ...	... 0.70	0.12
Chlorine ...	... 0.10	0.05
Total lbs. ...	25.80	57.40

Now as 1,000lbs. of wheat produce only lbs. 11.77 of ash, and 1,000lbs. of wheat straw 35.18lbs. of ash, the difference lbs. 14.03, and lbs. 22.22 respectively, show that the empiric agriculturist, whether a ryot, a zemindar, or a commissioned stud officer, must come to grief, if they enter on oat cultivation without a practical knowledge of Scientific Agriculture as taught in every "Boys school," in Germany, Holland, Flanders, Italy, Sweden, Poland, North and South America, to a great extent, and also in various selected parts of Russia, but entirely ignored in Bengal, Behar, the North-Western Provinces, and the Punjab. In place of the educated generation of Hindoos being trained to look upon agriculture as an honorable avocation, they despise it as being beneath Aryans, unconscious of the fact, that the ancient word "Ar," means plough, and "Jun," or "Yun" Man. Hence "Arjun" or "Argun" means an Agriculturist, or cultivator of the soil, as contra-distinguished from "Gaon," village, "Ar," plough, whence comes, "Gaon-ar," a rustic or villager, anciently a serf.

To return: it cannot be too widely known that in a country like India where good beef and mutton are scarce, oatmeal cake and porridge are more nutritious than inferior butchers' meat. In the table given beneath, is shown the comparative value of lean beef, dried flesh, and dried oat cake, and it will no doubt surprise, all who pity the oatmeal consuming Scotchman to learn that of our common kinds of meal the

richest, both in gluten and fat, is that obtained from the oat!

TABLE.			
	Lean Beef.	Dried flesh.	Dried Oat cake.
Water and blood.	78	0	0
Fibrin or Gluten.	19	84	21
Fat	... 3	7	7
Starch ...	0	0	70
Blood and Salts...	0	9	2
	100	100	100

"Here we have the two differences between the lean flesh of well fed animals, and the most nutritive of our cereals presented in a very striking light. The animal food contains four times as much of what for the moment we may call gluten; but it is wholly deficient in the other main ingredient of vegetables—the starch which in the dried oatmeal cake forms seven-tenths of the whole weight.\*

The value of the oat as food for human beings, and especially for young children of both sexes, for youths and growing lads, being established, we may now enter on the subject of its cultivation. In India, the oat which is suited to climates too cold for wheat, or other grain crops, is at present and as a rule cultivated in localities where snow is unknown, and the frost is of the mildest form and very little, if any, attention is paid to the selection of the soil. Under these conditions, it is extremely doubtful whether a good crop of oats, which would find a purchaser in the London market, has ever been grown in Hindooostan. Under an Indian sky, the oat (of which an indigenous variety grows wild in the Himalayas north of Dehra,) may be properly called a cereal of the hills and highlands of this country, where it would grow to perfection, but its money value being unknown to the hill men and its dietary value to the Commissariat Department, charged with the duty of rationing Her Majesty's troops, cantoned in the hills and plains, and no proper seed oats being available, the cultivation must in the first instance be taken in hand by European residents in the hills and also by all Tea and Coffee Planters, and the seed so obtained being judiciously distributed, ordinary oatmeal would cease to be sold at nine pence per pound cash (six annas) to the discomfiture of thousands of Scotch soldiers, to whom no greater treat could be offered than a good breakfast of porridge.

In Scotland, when land is broken up, either from a state of nature or from pasture, oats form the first crop, as they may be repeated for a series of years without injuring the soil.

The oat requires a soil, intermediate between light and heavy lands, the former term means

\* See the "Chemistry of common life," Vol. I, pp. 128, 129. By Professor James F. W. Johnston.

[June 15, 1876.]

such as contain a large proportion of sand or gravel, the latter such as contain much clay.

The selected land should be well and deeply ploughed up in October (in the Himalayas, Sealkote, and Rawul Pindoo) and after the seed has been sown, the land should be completely harrowed, and then rolled across the ridges, the usual native implements being used for the purpose. In the Madras, and Bombay Presidencies, the time of ploughing and sowing will have to be regulated according to their hill climates. In all Presidencies, if the object in view is to produce the greatest bulk of straw, sow 15, 30, or 45 days later: oat straw is preferred to any other as fodder for cattle as it is considered more nutritive. The grain obtained from the early sown oats, is of better quality than that obtained from subsequent sowings.

The quantity of seed necessary, varies, (in Scotland) from four to seven bushels per imperial acre of 4,840 square yards, and broadcast sowing is that generally practised.

The bushel of oats weighs 47½ pounds avoirdupois. The maximum quantity, soil and climate being favorable, may be estimated at seventy bushels per acre, the average being four quarters.

In addition to their value as a food grain, oats are peculiarly proper to be mixed with barley, rye, wheat and malt for the purposes of distillation. The husks of the oats diffused through the wheat flour and rye meal, keep it open or porous when mashed, and thus favor the abstraction of the wort, while the gluten of the wheat tends to convert the starch of the barley and oats into sugar. Experience has taught the Scotch distillers of whiskey, that pure malt is preferable for the ale and porter brewers, while the mixture affords a larger product at the same cost of materials to the distiller, who obtains from each boll of mixed grain, (weighing 291 lbs.) fourteen imperial gallons of proof whiskey, on an average; equivalent to 11·2 gallons at 25 over proof. A consideration of all these matters will, it is hoped, induce landed proprietors in the hills, and the hilly districts of the plains to undertake the scientific cultivation of Oats. The seed oats of the Himalayas should as a rule be sown in suitable localities in the plains, say in the entire "Chota Nagpore" district and the imported seed oats, in the Himalayas, and other Indian mountain ranges and highlands.

As regards mineral manure for Oats, nitrate of potash, sulphate of lime (gypsum) or soda and phosphoric acid are indispensable. It is said that in the saltpetre districts of the plains the former is manufactured at a cost of Rupees 2 per maund of 82 lbs. and as bones are abun-

dantly procurable in every Hill Station for the mere cost of collection, the production of phosphoric acid in combination with lime is easily secured.

If bones of any description are calcined in an open pit, their gelantine or glue is burned out, and that which remains is called bone ash, or bone earth, and 100 lbs. weight of this bone ash contains from 40 to 45 pounds of phosphoric acid. Saltpetre is composed of dry nitric acid, and potash; and as the bone ash contains lime, magnesia, and phosphoric acid, when they are mixed together in the dry pulvrent state and then well wotted (not drenched) with water chemical action takes place. The potash and phosphoric acid have a great chemical affinity for each other, combine and form the phosphate of potash, the nitric acid, lime, and magnesia in like manner act on each other producing their nitrates, and as the nitric acid present in saltpetre is composed of oxygen and nitrogen, the growing plants take it up by their roots, and in due time convert it into gluten, which is nearly identical with the fibrin of flesh. The principal mineral matter present in the flesh of a well fed man, ox, calf, pig, cow, and sheep, is the phosphate of potash. Hence it is evident that in order to keep up the supply, the nitrate of potash should as a rule be employed as a manure in conjunction with bone ash, which may at all times be prepared as follows, viz:—

#### BONE ASH : TO MAKE.

Dig a circular hole in the ground, 40 inches in diameter, and from 20 to 24 inches in depth. At its bottom, and on four stones or half bricks, place an iron grating, 12 inches square, made of bar iron, like the old gridirons of the past, only without feet, and handle. Next spread a layer of bones on the floor of the pit, three to five inches in depth, and on the bones lay a single layer of wood fuel cut into small billets: on the grating place as much charcoal as will cover it (one seer is ample) and then a layer of dry grass, roots, weeds, and anything in the stalk, stem, and twig line, which will burn over the coal and wood; on this lay another layer of bones, and grass roots, &c., &c., then dry straw at the sides of the pit, as charged, to carry the fire downwards. The alternate layers of bones (just as gathered,) and wood-fuel to be continued until the pit is full, when a layer of small cut wood should be spread thereon, a six inch layer of bones on top and straw and weed roots over them. At or after dusk, light the pile in different places, and let it burn out, which will be done during the night. It will take two days to cool, and for the fire to be extinguished. The contents of the pit have now to be removed and stored. In addition to the calcined bones, there will be

found charcoal grit and calcined earth, mixed with potash. The bones are to be separated, reduced to powder in an iron mortar, and put by for future use. The burned earth and ash to be stored in a covered pit, cask, or to be piled in an out-office. But if a manure pit is available, add the earth and ash to the animal manure.

By adopting this simple and inexpensive mode of manufacture, the dry months of each year might be regularly devoted to the preparation of bone ash, and when it is borne in mind that one ton (27 maunds) of "dissolved Peruvian Government Guano," costs Rupees 175, or Rupees 12.8 per bag of 160 lbs. or four pounds short of two maunds, and contains only 20 per cent of soluble, and 4 per cent of insoluble Guano Phosphate, associated with nitrogen equal to 10 per cent of non-volatile ammonia, the great superiority and cheapness of the bone ash and nitre manure becomes self-evident.

The fertilising matters present in the best Guanos are phosphate of lime and magnesia, or bone-earth derived from fish-bone. The nitrogen present is due to faecal ammonia, and as this substance consists of nitrogen and hydrogen, it is manifest that saltpetre affords the prime element of ammonia in its most fixed and perfect form.

According to Professor Johnston, fourteen lbs. of nitrogen and three lbs. of hydrogen, make seventeen pounds of ammonia.

The nitric acid present in saltpetre contains nitrogen and oxygen. For 14lbs. of nitrogen and 40lbs. of oxygen produce 54lbs. of nitric acid. Hence the dry nitric acid present in saltpetre supplies the same quantity of nitrogen, and a very considerable quantity of oxygen in addition. Guano contains no potash, saltpetre an abundant supply as shown beneath.

#### *Components of Nitrate of Potash or Saltpetre.*

Base.	Acid.	Formulas.
47·15	54·15	One Equivalent-1015·3.
		KO.PNO.

If we multiply the quantities given by 6,000. The base or potash is represented by grains 28,290·00 and the dry nitric acid by grains, 324,900·00.

Then grains 282,900 divided by 900-chittacks equals 314 $\frac{1}{2}$  divided by 16 seers, 19, 10 $\frac{1}{2}$  chts.

Then grains 324,900 divided by 900-chittacks equals 361 divided by 16 seers 22. 9.

Total Seers... 42. 3 $\frac{1}{2}$  chts.

Now this teaches us that forty-two seers and four chittacks of saltpetre, which may be purchased for six Rupees, contain over nineteen seers of potash and twenty-two of nitric acid, and as the one hundred and sixty lbs. of Guano, at Rupees 12.8 per bag is destitute of potash,

and very moderately supplied with ammonia or what comes to the same thing its elements, the one cannot hold a candle to the other, for 100 pounds of saltpetre enriched with 300 of bone-ash powder, produce 300lbs. of absolute fertilizing matter, whilst 100 pounds of Peruvian Guano contain only 34 per cent, the difference 64 per cent being apparently of no value.—*Idem*, p. 122.

#### TUSSER SILK.

EARLY in 1875, Mr. Wardle, a silk-dyer of considerable practical skill in England, communicated to the Secretary of State for India that, after experiments carried on for several years with varying results, he had at last discovered a process by which he could successfully dye *tusser* silk in brilliant colors, as also impart to it the lustre of the Chinese silk. But he thought that, if the indigenous silk industry were to be improved by the introduction of his process into India, the application of native dye-stuffs to the native silks would be attended with many economic advantages besides other more important advantages from an artistic point of view. Mr. Wardle also inclined to the opinion that the *moogah* and other wild silks are equally susceptible of improvement. If such be the case, the yield of these wild silks may be considered to be practically inexhaustible. But the chief drawback to an almost unlimited demand for them is the form in which they are prepared for the market. It has been suggested that the cocoons should, before they are manipulated, be steeped in more or less strong solutions of potash or caustic soda to dissolve the peculiar gum the insect secretes while spinning and that the silk should be reeled off into skeins, instead of into hanks, as at present.

As the proper preparation of these wild silks might under favorable conditions become a great and profitable industry in India, we purpose placing before our readers such information, as is available, regarding the insect, which produces the *Tusser*-silk, the manner in which it is reared and the processes by which the silk is obtained. We shall also from time to time give in other parts of this journal some account of the indigenous dye stuffs, commonly to be met with in different parts of India.

Among the moths, which produce the wild silk of India, the *Tusser* is the most important and most widely distributed; and, though generally identified with the *Antheraea paphia*, it has been shown by Captain Hutton to consist of several species, which go under the name of *Tusser* and are to be found in the sub-Himalayan Tracts, almost throughout the extent of the range; through the hills from Assam to Chittagong; in the Sunderbans; in the great belt of hill and forest inhabited by the Sonthal, the

Kol, the Khond and the Gond; in the Western ghats; in parts of the Madras Presidency; in British Burmah and in Ceylon. The worm is multivoltine; but it has not been definitely ascertained how many times in the year it goes through its transformations or whether its periods of existence may not vary according to conditions of climate. It feeds variously on the ber (*Zizyphus jujuba*) the country almond, (*Terminalia catappa*) the seemul, (*Bombax heptaphyllum*) the asun (*Terminalia alata*) the saj, (*T. tomentosa*) the sal, (*Shorea robusta*) and other trees. A wild worm, which spins large cocoons, is to be found in the jungles of Coorg, feeding on the Indian caoutchouc, (*Ficus elastica*) the poplar-leaved fig, (*Ficus religiosa*) and the Indian Gutta-percha tree (*Isonandra acuminata*); and if it be a *tusser*, it would appear to feed on a greater variety of leaves than is generally supposed. Another wild worm, which feeds on the camel-thorn, is said to occur in the Salt Range in the Punjab.

This Tusser worm is incorrectly supposed to be of a species that cannot be domesticated and is said to be traced by the hill-people upon the ber and asun trees, by their excrement beneath. The branches on which the worms are settled are cut off and carried away; and the worms themselves are then distributed on the same species of trees in the vicinity of their homesteads. These worms cannot be retained for seed.

The moth has been reared for more than half a century in all the western forests from Ramghur (now Hazareebaugh) to Midnapore, the cocoon (or vernacularly *gootee*) being of three qualities "mooga, teera and bumbunda." The *mooga* is the most common and plentiful; and its thread, though coarse, winds easily: the *teera* is a smaller cocoon, "said to be the male of the *mooga*;" and its thread is finer, but not so easily wound; and the *bumbunda*, which, as its name indicates, is found in its natural state in forests, attains a greater size than the *mooga* from feeding more freely: it is scarce, and its thread, which is coarser, runs easily.

Dr. Buchanan describes the rearing of the *Tusser* and the winding of the silk in Bhaugulpore, which is the centre of the industry in this description of silk, very minutely and fully; and we shall offer no excuse for making the following extract from his book. "The chief use to which the tree (*terminalia alata*) is, however, applied, is to rear the tusser silk, of which I shall here give some account.

The tree abounds chiefly in the part of the district that is situated east from the Chandar, and between that and the Rajmahal hills, and there occupies as large a space as the bamboo does towards the west. The animal is reared by all castes who inhabit these parts, but in

general by the armed men employed under *ghatwals* to preserve the peace of the country. With a view, perhaps, of securing the employment to themselves they have established certain rules of purity, as they call it, which they allege are absolutely necessary, and they affirm that any infringement would totally destroy the insect. Women, who are best fitted for such a work, are entirely excluded from it, as totally impure, nor are they permitted to approach the place; and while employed in this work, the men totally abstain from the company of their wives. Again, most of the low, vile castes are excluded by their appetites, abandoned to the gross impurity of animal food. The breeders eat sparingly once a day of rice, cleaned without boiling, and seasoned only with vegetables. They are considered also to preserve their purity by never employing the washerman or barber.

Concerning the method of procuring the seed cocoons, I found in the accounts of the natives the utmost difference. In Bangha it was stated that the only good seed was procured from the forests, from whence the spontaneous cocoons were brought by people of wild tribes, were purchased by merchants, and distributed among those who rear the worms. From these cocoons three successive broods are reared, but those reared from the wild cocoons (*dhaba*) are the best; the other, *sarihan*, *jarhan* and *langga*, gradually degenerate. At Tarapur and Lakardewarie it was stated that the kinds are quite distinct, that the good *tusser* (*dhuba*) is always reared from cultivated cocoons, some of which are preserved through the year for propagating the breed; and that the wild cocoons are only used for this purpose when, from accident and carelessness, the proper seed is lost; and the *tusser* which these give is always of an inferior quality, but is of two kinds, *sarihan* and *langga*, the last of which is very inferior, and is seldom employed. Each kind, according to these people, breeds twice in the year.

In Fyezullahgunj, again it was said, as in Bangha, that no seed was preserved through the year; that in the beginning of the season wild cocoons were procured, but that the silk which these gave was of inferior value, and that the cocoons of this brood were chiefly preserved for producing a second, of which the silk was of the best kind. These accounts are in direct opposition to each other; nor can we take upon ourselves to assert which is true, or whether any of them is false, although we are inclined to rely most on the account given in Lakardewani and Tarapeer; but it may happen that such different practices really prevailed, and that the influence of them on the quality of the silk is quite imaginary, for we would observe that at Bhaugulpore all the cocoons are usually sold indiscriminately as of the same value, and very often intermixed. The weavers, indeed, say that there is a difference in the

quality of cocoons, and that one kind (*dhaba*) is more easily wound, and gives a larger quantity of silk, while the *sarikan* produces one-fourth less, but is of a better quality. The merchants who deal with the simple breeders endeavour, probably, to keep up distinctions, of which they avail themselves. They pay in advance for the whole, and give a very low price; but they no doubt are often defrauded by people who never fulfil their engagements.

Among other ridiculous imaginations concerning the insects, propagated, as I suppose, to impress the people with an idea of their purity, it is supposed that a tusser female moth will not admit the embraces of a male of the same paternal family with herself. The breeders, however, very judiciously leave the whole adjustment of this delicate point to the discretion of the females. The seed cocoons are placed on a large flat basket; and when the moths burst the cocoons, they are allowed to form such connections as they please. In from 15 to 20 hours afterwards the males are thrown away, and from 20 to 25 impregnated females are placed in a cylindrical basket with a narrow mouth which is covered with leaves, and some leaves are laid on the bottom of the basket. In some places an earthen pot is preferred. On these leaves, in the course of the day, the females deposit their eggs, and are then thrown away, and the eggs are placed in small baskets made of the *bhela* leaves. On the ninth day afterwards the eggs are hatched, and baskets on which they are lying are put upon a tree, over the leaves of which the young insects immediately spread. When they have consumed these, the worms are removed to other trees, and in 36 days from being hatched they begin to spin. In 15 days this operation is completed, when all the young branches are cut, and the cocoons are thus collected with very little trouble. The only operation at all troublesome is the removing the worms from one tree to another and this might probably be avoided by putting no more at first on each tree than it should be able to maintain. The worms, however, must be watched, as crows and other birds and hornets are apt to destroy them. The whole space of time occupied by the two crops may be about five months, beginning about the 1st of July, and ending about the last of November. A great number of the cocoons preserved for seed burst, and these can only be sold for about half price. Those originally intended for sale are killed by being put in boiling water, and then dried in the sun.

"In procuring food for these worms, the only trouble is to select a piece of ground on which the *assan* tree grows, intermixed with few others. These latter and all bushes ought to be removed, and all the large branches of the *assan* tree should be lopped near the stem, and young shoots permitted to grow, for those

produce large succulent leaves fit for the worm. The worms are only applied to the same tree once in two years, a whole year being necessary to allow the new shoots to grow.

"A woman takes five pans of cocoons (405), and puts them in a large earthen pot with 600 sicca weight of water, a small mat being placed in the bottom to prevent the cocoons from being burned. A small quantity of potash, tied in a bit of cloth, is put into the pot along with the cocoons, which are boiled about an European hour. They are then cooled, the water is changed, and they are again boiled. The water is poured off and the cocoons are put into another pot, where they stand three days in the sun covered with a cloth to exclude insects.

On the fourth day they are again boiled, with 200 sicca weight of water, for rather less than an hour, and then poured into a basket, where they are allowed to cool, after which they are washed in cold water, and placed to dry on a layer of cow-dung ashes, where they remain spread and covered with a cloth for six hours. The woman then picks out such cocoons as are not quite ready for winding, and exposes them for a day to the sun, which completes the operation. The outer filaments of the cocoon are then picked off, and form a substance called *jhuri* of which the potters make brushes used for applying a pigment to their vessels. The fibres from four to five cocoons are then wound off on a miserable conical reel, which is twirled round by one hand; while the thread is twisted on the thigh, the cocoons adjusted, and the broken fibres joined by the other. The cocoons, while winding, are not placed in water. This thread is called *lak*; and after the *lak* has been removed, there remains another inferior kind of filament, called also *jhuri*, which is wound off, and is purchased by those who knit strings. Even the cocoons that have been burst by the moth are wound off; but, owing to the frequent joinings, give a weaker silk. When the tusser is neither very high nor very low, that is, when 405 cocoons cost a Rupee at Bhagulpore, a woman boils and winds the number in ten days. At this rate she would wind 1,215 cocoons in the month; these would yield 2,257 lbs. of fine thread, worth 5 Rupees 6 annas, and 1½ annas worth of refuse (*jhuri*); but the cost of pots, firewood, &c., reduce the profit from Re. 1-8 to Re. 1-12 per mensem."

In the Soonderbuns the cocoons are found on the *Khoura* or wild plum tree—each female lays about 150 eggs of a reddish color; these eggs take from 9 to 14 days to hatch. The young worms are speedily removed to the tree, where they feed freely till they become 3 or 4 inches long and of a brilliant green color, marked with golden spots—spinning where they feed. The

period from hatching to completion of cocoons is about fifty days. The cocoons realise a price of Rs. 3 to 5 per *kahan*—16 multiplied by 80 equals 1,280. If of good quality, a quarter of a *kahan* yields enough silk for the manufacture of a pair of *dhootees*, which sell for Rs. 4 to 5. The rearers squat on the edge of a jungle—the Zemindar levying a cess of one Rupee per party. The profits of their occupation for upwards of two months vary from Rupees 30 to 10; and during the whole time, according to some superstitious notions prevalent among them, they submit to restraints, such as abstaining from fish diet, from anointing their bodies with oil and from mentioning the names of certain things which are considered unclean.

In the Palamow sub-division of the Lohardugga district in the Chota Nagpore Province, the mode of rearing the *Tusser* silk-worm is described as follows:—

"The worms are fed on the assan or *terminalia tomentosa* the moths emerge about the middle of June; the males are small, with a large red dot on each wing; those of the other sex much larger, fuller made in the body, particularly the hinder parts. Some two or three hours after the moths have burst out of the cocoons they are mated for a half-hour; the males are then shut in a basket, and the females have their wings tied close to the shoulder, and put on a board or bamboo flooring, when they immediately commence laying. The wings are tied to prevent them flying away. The next day the eggs are collected from under them, and a few of their wings plucked, and gently rubbed in the hand to a powder. The eggs are put in this powder, and shaken till they separate. It is then put into a thin piece of cloth, tied and put carefully away, so that the ants do not get at them. This is continued daily, each moth laying for three or four days, when from exhaustion she dies. \* \* \*

On the eighth day the eggs are hatched, and the worms immediately taken to the jungle, and a nest formed on the tree by tying together a lot of growing leaves into the shape of a cup, in which the worms are placed.

In four days they are an inch long, and are removed to other trees, and as they grow larger, are from time to time diffused over a large number of trees. \* \* \* Boys are employed in scaring the birds. \* \* \* The worms grow to the size of five or six inches long and one thick, when they commence to spin. After formation into cocoons they are allowed to remain a week on the trees to harden them, taken down, attached to small twigs, and daily laid out in the air to dry. From the time the worms are put to the trees and the cocoons taken down occupies a month and a half or till the end of July. A second crop commences about the

latter end of August or beginning of September, and the yield is more full and larger. Purchasers come from Patna, Daoodnugger, and other large towns, buying cocoons at Rupees 3 to Rupees 6 per thousand of 1,100—1,300. The burst cocoons also find a ready market at Rupees 2-8 to Rupees 3 per thousand for June and July produce, and Rupees 4 for the October produce. The revenue or *malguzari* for a silk field is Rupees 3 for each cutter or full grown man, who is expected to take the cocoons down; at an average there are three of these to a good sized field covering some 30 beegahs of land."

Mr. Charles Blechynden, Superintendent of the Rudnagore Silk Factories gives the following account of *tusser* in the Midnapore district:

"Cocoons for seed are purchased in the months of *Paus* (December) and *Maug* (January) at 15 or 16 *gundas* per Rupee, they are hung in a pot for 4 months or till about the 13th *Bysack* (April) when some of the moths come out of the cocoons and are removed into another pot and kept there for a fortnight, during this period eggs are laid.

"These eggs are now put into *sal* leaf boxes for four days, at the end of which time they begin to hatch and are placed on clumps of either assan or *sal* branches. After two or three days, the worms growing stronger, no very great care is requisite, save to remove them from one branch to another when they have eaten all the leaves of that which they are on; this is effected by cutting down the branch and placing it against another. In three weeks these worms weigh two *chittacks* each; they cast their skins three times, after which they spin and are brought home, when they undergo boiling and are after that fit for sale." The seasons for collecting the cocoons for silk are May and July of each year. The price of the cocoons is never fixed, one *kahan* selling for Rupees 3-8-0 generally and sometimes even as high as Rupees 4-8-0. The cocoons are boiled in cow-dung and water and the thread is drawn out on a hand-reel.—*Idem*, p. 128.

(To be continued.)

# THE REVENUE REGISTER.

No. 7.]

MADRAS:—SATURDAY, JULY 15, 1876.

[VOL. X.

## ANNUAL REPORT OF THE SUPER- INTENDENT OF GOVERNMENT F FARMS, 1874-75—II.

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BEFORE proceeding to glance at the remaining pages of Mr. Robertson's Report, we hasten to correct two typographical errors into which we unwittingly fell last month. In the last line of the 2nd column of the first page of our number for June, we announced that Surgeon-Major *King* would be the probable Professor of *Geology* at the Agricultural College. We should have written *Keess* for King, and *Zoology* for Geology. We are very apprehensive however that the new College runs the risk of losing the advantage of numbering Dr. Keess among its Professors. Strange to say, the remuneration offered to Surgeon-Major Keess fell short by one-third of that offered to the other Professors—one of whom is his own Assistant in the Medical College. We understand that Dr. Keess represented the unfitness of this arrangement, but was met with the objection that his work would be exclusively in the Lecture room, whereas those who received the higher remuneration would also be required to

give practical instruction in the Laboratory or in the field. Any way no satisfactory conclusion could be arrived at; and we hear that Mr. Karney, Assistant to the Professor of Medicine, will be appointed Professor of Zoology instead of Dr. Keess, unless the Government are pleased to settle the question by offering him a standard of remuneration in keeping with his position in the service and his experience as a Professor. We will now briefly review the remainder of Mr. Robertson's Report.

*Crops—Field Experiments.*—We regret to find that these were again unsuccessful, having to be abandoned on account of the drought. Thus all the trouble and time, not to mention the money expended on them, were lost. We quite sympathize with Mr. Robertson in his disappointment on this subject for two successive years; but we hope that his field experiments for the year ending March 1876 have been brought to a happier issue. One experiment, as to the depth most suitable for sowing cotton and maize, seems to have been brought to a satisfactory conclusion; and for the information of our readers, we excerpt the account given of it in the Report.

*“Seed sowing.”—The following experiment was made in order to ascertain the most suit-*

able depth at which to sow maize and cotton. Fifty grains of each kind of seed were carefully sown at depths varying from 1 inch to 5 inches. The soil was kept in a moist condition during the time the experiment was proceeding:—

New Orleans Cotton.

When counted.	Sown 1 inch deep.	Sown 2 inches deep.	Sown 3 inches deep.	Sown 4 inches deep.	Sown 5 inches deep.
	Number of plants that appeared above ground.				
1st day ..	...	...	...	...	...
2nd "	"	"	"	"	"
3rd "	"	"	"	"	"
4th "	"	"	"	"	"
5th "	"	"	"	"	"
6th "	"	"	"	"	"
7th "	"	"	"	"	"
8th "	"	"	"	"	"
9th "	"	"	"	"	"

The seeds sown at 1 inch in depth produced 33 plants, or 66 plants for each 100 seeds, and the whole of these plants had appeared before the close of the seventh day after sowing; the seeds sown at 2 inches gave a return of only 34 plants for each 100 seeds; and the whole of these plants did not appear until the eighth day after sowing. The seeds deposited at 3 inches in depth produced only 16 plants for each 100 seeds, and these were not all above ground until the eighth day. It will be seen

that no plants were produced from the seeds sown at 4 inches and at 5 inches.

When counted.	Sown 1 inch deep.	Sown 2 inches deep.	Sown 3 inches deep.	Sown 4 inches deep.	Sown 5 inches deep.
	Number of plants that appeared above ground.				
1st day ..	...	...	...	...	...
2nd "	"	"	"	"	"
3rd "	"	"	"	"	"
4th "	"	"	"	"	"
5th "	"	"	"	"	"
6th "	"	"	"	"	"
7th "	"	"	"	"	"
8th "	"	"	"	"	"
9th "	"	"	"	"	"

The 50 grains of maize sown at 1 inch produced 40 plants. The same quantity of seed sown at 2 inches produced only 16 plants; a similar quantity sown at 3 inches in depth, yielded only 13 plants. It will be observed that the maize plants, like the cotton, appeared much more quickly when the seed was lightly covered by soil.

From these experiments it would appear that shallow-sown seeds of the kinds experimented with not only germinate much more quickly, but produce a great many more plants than seed that is buried more deeply in the soil; but it must not be inferred from this that shallow sowing is more likely to produce good results than deep sowing, for the information above given is only a portion of that the experiment is expected to yield; we have yet to ascertain

whether the more rapid first growth of the plants produced from shallow-sown grain is supported by an equally-luxuriant root-growth, upon which the ability of the plant to withstand the ill effects of a long drought so greatly depends. I am inclined to think that with such large seeds as maize and cotton, 1 inch is too shallow a depth at which to sow them, and, in practice, I seldom sow these seeds at less than 2 inches in depth; but then this is only upon deeply-cultivated and well-pulverised soil, whereas the soil used in the experiment resembled in its physical condition the soils of the ryot. I believe that the more deeply the seed can be sown in the soil with due regard to its germinative powers the more certainly will the plants produced from it reach maturity; but to ensure the proper germination of deeply-sown seed, it is absolutely necessary that the soil in which it is sown should be in a high state of cultivation in order to admit of rain water filtering freely through it, and in its way carrying down atmospheric air to the buried seed. It must be remembered that germination cannot take place except under the influence of air, heat, and moisture; seed that is too deeply buried in a close badly-cultivated soil will altogether fail to germinate. The experiment, as far as it has proceeded, shows how important it is, in order to secure a uniform growth of young plants, that the seed should be deposited at a uniform depth in the soil. I need scarcely point out how necessary it is, in order to secure the best results at harvest from every individual plant, that we should, as far as possible, bring all the plants in a crop to maturity at one time, which can be secured only by regular sowing. Badly or unevenly sown seed must, as the experiment shows, produce plants of great unevenness in growth, these at harvest will mature at very different times, leaving the farmer no choice but either to wait for the backward plants, and thus lose seed by the shedding of the too ripened grain, or, cut down the whole when the first plants reach maturity, and sacrifice the produce of those not yet matured. I hope in my next report to be able to state the further results of the experiment just noticed."

Mr. Robertson sent home, through Messrs. Walker and Co., some Madras-grown Carolina rice. It was husked here by Messrs. Walker and Co., and was sold in London at 11s. 6d. per cwt. This price was but little higher than that usually given in London for ordinary Madras rice; and this, as the paddy was very good, quite equal to Carolina paddy which fetches a high price in the English market, was really a disappointment.

Mr. Robertson, however, points out that in England the demand for rice is of a widely different character from the demand in this country. There, rice is the luxury of the wealthy—here, it is the staple food of the people. There, the rice is wanted beautifully prepared and of a pearly whiteness—here, the people do not care for regularity of size, nor for whiteness; but they do require the very portion which is stripped off, in order to give the rice the white and polished appearance required in the home market.

We suppose, therefore, that so far as producing for the home market is concerned, the cultivation of Carolina rice will not for the present be sufficiently remunerative; but, on the other hand, as Mr. Robertson points out, its less aquatic habits and superior productiveness should secure its general cultivation for the local market. Surely anything that will diminish the injurious, unhealthy, and unscientific swamp cultivation should be pressed, again and again, upon the people by a wise and paternal Government.

*Wheat.*—Although the wheat experiments partially failed owing to the high temperature to which they were exposed, we find that Mr. Robertson hopes by a careful selection of a suitable variety, and by greater care in sowing early, that he will eventually succeed in raising a description of wheat suitable for cultivation on the plains. That this would be a great agro-financial gain, there is no doubt, for we find Mr. Robertson writing that "an average crop of wheat will yield a much larger quantity of human food than an average crop of paddy, while a supply of water that would but just suffice to mature one acre of paddy would be ample to meet the requirements of two or three acres of wheat."

*Yellow Cholum.*—This valuable crop did very well, and Mr. Robertson again presse

it upon the attention of agriculturists as being a very valuable crop for fodder.

*Jute.*—Several experiments were made with jute seed procured from Bengal. They all did badly, and it appears likely that the climate of Madras itself is too dry to be suitable for jute—though Mr. Robertson thinks it might perhaps do better in the Northern Districts of the Presidency.

*Roselle and Sunn Hemp.*—These plants were also the subjects of some experiments which, in the case of the roselle, were very satisfactory. The crop was, we are told, grown principally for the sake of the seed; but in order to ascertain the quality of the fibre, some of the plants were cut down while in flower. The “fibre proved to be long in staple, strong and silky.” The experiment with the Sunn Hemp did not turn out so well, though treated just the same as the roselle. From this, Mr. Robertson concludes that, while high cultivation is good for the roselle, it does not suit the hemp, causing it to grow too quickly to admit of the due development of its fibre.

*Guinea Grass.*—This old friend again claims our attention, and, as usual, it appears to be the joy of Mr. Robertson's heart. We quote his own words:—

“*Guinea Grass*—A plot of land, measuring 4·77 acres, was, on the 28th November last, planted with Guinea grass; the soil was a sandy loam of rather a stiffer character than the prevailing soils of this farm. After three ploughings, the land was manured with 4,000 lbs. of cotton seed, the vitality of which had been previously destroyed; the soil was then raised in parallel ridges about 9 inches in height and 2 feet apart; the plants were put in on these ridges at every 2 feet, care being taken that the lines they formed across the field were at right angles to the lines formed by the ridges, thus affording facilities for the employment of the plough during the growth of the crop, both between the ridges and across them. The plants, with which the ground was planted, were removed from tufts of this grass growing in another field. A wet day was selected for planting, and nearly every plant took root.

The following shows the cost of planting this field:—

	RS.	A.	P.
Ploughing three times and ridging ...	7	8	0
Four thousand pounds cotton seed ...	40	0	0
Carting and spreading manure ...	2	4	0
Labor in planting ...	8	5	0
Carting plants to field ...	1	4	0
Total ...	59	5	0
Cost per acre ...	12	6	0

The field has since received one hoeing. No irrigation water whatever has been applied to the crop, either at the time of planting or subsequently. The rain-fall, as will be seen by the following, was during the past three months unusually light:—

Month.	Wet Days.	Inches.
November (from 28th) ...	1	3·38
December ...	5	5·11
January ...	1	0·10
February ...	...	...
March ...	1	0·77

The first cutting was obtained in February, and the yield was 3 tons and 56 lbs.; another cutting was obtained in March, which weighed 2 tons and 20 lbs.; and there was at the end of the month another crop of about the same weight ready for cutting. The experiment will be continued over another year, and the further results will be reported.

I have before recommended Guinea grass as being well suited for culture in the plains of this Presidency, and I would again strongly advise its extended cultivation. It will, I think, form an excellent rotation grass for arable land; at present there is in the agriculture of this Presidency no crop equivalent to the fodder and root-crops of other countries, and this want Guinea grass promises to supply. Not only is the plant, from its habit of growth, an entire change for the soil, but the system of cultivation pursued with it admits of the soil being kept in a fine state of tilth; while the blades of the grass form such a dense covering, weeds are most effectually kept in check, especially those that usually appear in the crops more commonly cultivated. Land which was kept clean with difficulty and at a great expense when under ordinary crops, cost very little for weeding when under Guinea grass, this being due to its vigorous growth and to the low and close shade afforded by it, and to the facilities the system of culture affords for keeping down the weeds.

Guinea grass is well suited as a change-crop for land that has long been cultivated with one kind of crop only, and has become infested by certain kinds of weeds or insects such as that crop encourages.

Guinea grass can be cut over regularly for fodder, or it can be grazed by cattle and sheep; for use in the latter way it is excellent, though in showery weather it is better to utilize it in the former way.

Under the system described, the land on which the crop is growing can be manured at any time, and, of course, the more liberally manure is used the better will be the results."

*Manure.*—Mr. Robertson's paper on manure is so good, and so worthy of attention, that we should do both him and our readers an injustice did we merely allude to it in our present narrow limits. We purpose, therefore, to publish it at length in our next number.

On the question of sub-soil draining, there has been so much misconception, that we copy Mr. Robertson's observation, *in extenso*.

"My remarks in a former report on sub-soil draining have, in some instances, been misunderstood, evidently from a want of knowledge of what sub-soil draining really means. When making those observations, I thought it unnecessary to describe in detail the way in which pipe-drains act, seeing that so much has been written on the subject. It has been contended by some that, if water is so essential for the proper growth and development of field crops in Southern India, that it will be exceedingly unwise to attempt to lessen the quantity of this element in our soils. It must be remembered that no description of sub-soil drains can remove from a soil the whole of the moisture it contains; there is always even in the most perfectly drained land a considerable quantity of water which no drainage can remove. It has been found again and again that a well-drained soil contains during a drought more moisture than an undrained soil of similar character and composition; there are many reasons why this is so; drainage facilitates the working of a soil by field implements, not only in the greater perfection of the work done, but in affording a longer season in which to do the work under favourable conditions, and as a thoroughly-tilled soil is always well pulverised and therefore more porous, its capabilities to retain water by suspension are greatly increased, as well as its abilities to absorb moisture from the air. A proper seed-bed cannot be obtained in a soil in which there is too much water; for the germination of seed

and the healthy growth of plants, atmospheric air must be present in the soil, and this cannot be there in a sufficient quantity when the soil is full of water. Further a water-logged soil is always cold, not only on account of the great reduction of temperature caused by the evaporation of its water, but also because heat cannot penetrate into it. Tropical plants suffer very much when the temperature of the soil on which they are growing becomes too greatly reduced. During the prevalence of the north-east monsoon in this district, when we have had a succession of wet days with a clouded sky, I have frequently observed crops turn sickly and yellow, which previously were very healthy in appearance; and such crops seldom did well after their growth was checked in this way, as they were generally afterwards attacked by the fungoid disease "rust." I have not yet had an opportunity to make any experiments regarding the temperature of the soil at such times, but I believe that the check in growth is due almost entirely to the low temperature of the soil, as the crops growing on the drained land remained green and healthy.

There are, of course, soils that do not require to be artificially drained, being sufficiently well drained naturally; I only advocate the removal by sub-soil drainage, of water the land will not hold in suspension, or the water of springs immediately under cultivated land.

Soils differ greatly in their capacity to hold water in mechanical suspension; thus it has been found that—

100 lbs. of quartz-sand will absorb 25 lbs. of water.

100 lbs. of calcareous sand will absorb 29 lbs. of water.

100 lbs. of loamy soil will absorb 40 lbs. of water.

100 lbs. of English chalk will absorb 45 lbs. of water.

100 lbs. of clay loam will absorb 50 lbs. of water.

100 lbs. of pure clay will absorb 70 lbs. of water.

The pipes used in sub-soil draining should be placed for carrying off surplus water at a depth sufficiently great to allow of the upper soil forming a huge filter bed, to which the rain water in passing through would give up the fertilizing matter and air it holds. Messrs. Laws and Gilbert, the eminent chemists, have found in England that in a rain-fall of thirty inches in one year, the rain-water that fell on an acre of land carried down with it as much as 7 lbs. of ammonia, which is equal to the quantity contained in a dressing of manure frequently thought sufficient for the wants of one crop.

In a hot country such as this, sub-soil ploughing and other deep cultivation are absolutely

necessary in order to secure the full benefits that result from sub-soil draining. A soil that is simply drained, the particles of which are not separated and loosened under the influences of deep cultivation, cannot in a dry season be expected to take up more moisture from the atmosphere than undrained land of the same kind in a similar mechanical state. The absorption of moisture from the air can only occur in porous soils into which the air can pass freely; sun-dried, hard, compact soils are quite incapable of absorbing moisture from the air. As in this country, at night, the air near the surface of the ground is at certain seasons so heavily charged with moisture, it is especially necessary, in order to secure this moisture, that our soils should be kept as open and as porous as possible."

During the year under observation, a cast iron plough, a steel plough, a maize sheller, a winnowing machine, and two chaff cutters were added to the Stock of Implements and machines on the Experimental Farm.

#### THE MODEL FARM.

The land of this Farm was, as mentioned in former Reports, in a very impoverished and unsatisfactory condition. The soil was poor and the surface very uneven. This of course greatly diminished the earnings of the Farm. However, the land has now been levelled and put into good working condition, and it is to be hoped that the results will soon be more thoroughly satisfactory.

#### IMPLEMENT WORKSHOPS.

The income of these workshops during the past year amounted to Rupees 2,243-11-9, and the expenditure on their account was Rupees 2,120-12-0. This reduced the balance standing against them from former years to Rupees 424-15-8. During the year under review these workshops turned out 13 combined ploughs, 7 iron ploughs, 3 maize shellers, 1 chaff cutter, 1 drag harrow, and many smaller implements, besides executing all the repairs needed by the Farm implements. The implements turned out by these workshops were sent to Burmah, Cochin, Port Blair, Travancore, North-West Provinces, &c., showing how much such

workshops are needed, and giving good hopes of their success in the future.

The reports close with the usual appendices, showing the rain-fall registered at the Experimental Farm, the expenditure on account of the Agricultural Department, the income of the Agricultural Department, a valuation of Live and Dead Stock, a list of seeds supplied gratis, and a Catalogue of Machines, Books, Implements, &c.

On the whole, we consider that, notwithstanding the disappointments which are only due to the condition of things, the general progress of the Government farms is highly satisfactory, and we congratulate Mr. Robertson on the good results that have accrued to the Government and to the country under his skill and experience.

#### HIGH COURT—ALLAHABAD.

[Before a Full Bench.]

TURNER, OFFG. C. J., PEARSON, SPANKIE,  
AND OLDFIELD, JJ.

*Redemption of Mortgage—Limitation—Acknowledgment of Title of Mortgagor or of his right to Redeem—Act IX of 1871, Sch. II, 148.*

Where the defendants attested as correct the record-of-rights prepared at a settlement with them of an estate in which they were described as mortgagees of the estate, but which did not mention the name of the mortgagor.

HELD, (Spankie, J., dissenting) that there was an acknowledgment of the mortgagor's right to redeem within the meaning of Article 148, Sch. II, Act IX of 1871.

PER PEARSON, J.—That there was also an acknowledgment of the mortgagor's title.

PER SPANKIE, J., contra.

*Daia Chaud and others v. Sarfraz and others.\**

The plaintiffs sued to redeem a mortgage of the entire 20 biswas of mauza Pal, pargana Jauli Jansath, zila Saharanpur, alleged to have been made in 1811 for Rupees 241 by their ancestors to the ancestors of the defendants. The latter denied the mortgage, alleging that they were the proprietors of the estate. From the evidence adduced it appeared that in 1863 the plaintiffs applied to the revenue authorities to record their names as the mortgagors of the estate,

\* Appeal under Cl. 10 of the Letters Patent, No. 4 of 1875.

but the application was refused. In May 1872, at the instance of the defendants, the entry of the word "mortgagees" opposite the names of the defendants in the *khewat* annually prepared by the patwari was directed to be discontinued. The first Court, looking at these circumstances, treated the suit as one for the possession of land and dismissed it, holding that it should have been valued at five times the revenue payable to Government in respect of the property in suit, instead of according to the principal amount of the mortgage-money. The Lower Appellate Court held that the suit was correctly valued. It disallowed a plea taken by the defendants to the effect that the suit was barred by the law of limitation, as it appeared that the defendant's ancestors had signed the *khewat* and the *khatauni shara asamiwar* prepared at the settlement of the estate with them under Regulation IX of 1833 in 1841, in which they were described as mortgagees, which it held amounted to an acknowledgment of the plaintiffs' title as mortgagors, and remanded the suit to the first Court for disposal on the merits.

The *khewat* of 1841 made no mention of the nature of the mortgage and none of the mortgagors. The parties who signed it were described as holding certain shares and as mortgagees. There was no record of the names of the owners of the shares. The *khatauni shara asamiwar* showed the rates of rent payable by tenants. The parties who signed that paper were also described as mortgagees. There was a note by the officer making the settlement that "the parties in possession are mortgagees, but the amount of the mortgage and its duration are unknown: it occurred before British occupation." The parties did not, in affixing their signatures to either document, add the word "mortgagees." The *khewat* was not confined to a record of the distribution of the shares and the interest of the parties as mortgagees. It contained the *ikrar-nama*, or *wrjibul-arz*, being a record of agreement between the coparceners amongst themselves, on various matters, and a detail of customs, &c., prevailing in the estate. The signatures were affixed at the foot of the document. The Tahsildar recorded that, after all the particulars of the *ikrar-nama* and the amount of rupees had been read out to the parties, they affixed their signatures and marks with their own hands. Similarly with the *khatauni shara asamiwar*, the Tahsildar recorded that the parties, after hearing the rates of rent, had affixed their signatures and marks, and verified all the particulars entered in the document.

On special appeal to the High Court from the order remanding the case the defendants contended that the signatures of their ancestors to the documents did not amount to an acknowledgment of the plaintiffs' title as mortgagors or of their right to redeem, within the

meaning of Act IX of 1871, Sch. II, 148. They also contended, with reference to an order passed in the settlement department in January 1864, which refused an application by the plaintiffs for the entry of their names in respect of certain unculturable lands and trees in the village and referred them to a Civil Court, that the suit was barred by limitation, not having been instituted within three years from the date of that order.

The learned Judges of the Division Court (Pearson and Spaukie, JJ.) before which the appeal came on for hearing differed in opinion.

The following judgments were delivered:—

**PEARSON, J.**—This is a suit for the redemption of a mortgage said to have been made in favour of the defendants' ancestors by the ancestors of the plaintiffs in 1811, and was dismissed by the Court of first instance improperly on the ground of insufficient valuation. The Lower Appellate Court has rightly held the valuation to be correct, and, disallowing a plea set up by the defendants to the effect that the suit was barred by the law of limitation, has remanded the case to the first Court under Section 351, Act VIII of 1859, for trial and disposal on the merits. The plea of limitation has been disallowed with reference to an acknowledgment of their mortgage tenure recorded in the settlement record of 1841, which is signed by the defendants or their forefathers. In that record they described themselves, or allowed themselves to be described, as mortgagees of the estate in question; and by so doing admitted by implication the title of the mortgagors, whoever they may be, and their right to redeem the property. Whether the plaintiffs' ancestors were the mortgagors, and whether the mortgage was made by them in 1811 for a consideration of Rupees 241, are questions which must be determined before it can be decided whether the suit can be maintained. Even if it be established that the plaintiffs' ancestors were the mortgagors, unless it be shown that the mortgage was not made before 1811, it may be found that the suit is barred by limitation. But although the Subordinate Judge's decision is open to this objection, that he has somewhat precipitately declared the suit not to be barred by limitation, while not quite consistently remarking that, "if the plaintiffs can prove the mortgage to have been effected by their ancestors in favour of those of the defendants in 1811, they will obtain a decree, if not, their claim must be rejected," there is nothing objectionable in his remand order on the assumption that the materials on the record were not sufficient to enable him to decide satisfactorily himself. There is no force in the grounds of appeal. Nothing is shown to be a bar of the suit in the proceedings of 1864, which referred to a claim of

certain manorial rights only. The admission of the mortgage tenure in the settlement record of 1841, if it can be referred to the plaintiffs' ancestors, and the mortgage be found to have been made by them in 1811, is sufficient to give a new period of limitation from the date of the admission. With these remarks, the appeal is dismissed with costs.

**SPANKIE, J.**—Article 148, Sch. II, Act IX of 1871, provides that time shall run from the date of the mortgage, unless when an acknowledgment of the title of the mortgagor or of his right of redemption has, before the expiration of the prescribed period, been made in writing, signed by the mortgagee or some person claiming under him and, in such case, the date of the acknowledgment.

It is argued in this case that some of the ancestors of the defendants, appellants, attested as correct the *kherut* and *khatauni shara asamivwar* prepared at the settlement under Regulation IX of 1833 in 1841, in which they are described as mortgagees. Their signatures, it was contended, are an acknowledgment of the mortgage tenure, and take the case out of the operation of the limitation law. (The learned Judge, after stating the facts relating to the *kherut* and the *khatauni shara asamivwar*, continued):—It will be seen from what I have stated that the parties who signed have not acknowledged any particular fact, but their signatures must be taken as an admission of the general accuracy of the *kherut* and *khatauni*, the one containing a variety of matter, the other having the special object of showing the rent payable to the landlords by their tenants.

I may also mention that there did not appear to be any recognized owners in 1841, the entire 20 biswas being in the possession of persons described as mortgagees. I attribute this description to be due to some report regarding an earlier settlement and the state of the village then, obtained from the office when the settlement under Regulation IX of 1833 was made.

I do not regard the signatures of the ancestors of the defendants, under the circumstances described, as amounting to an acknowledgment of the title of the mortgagor or of his right of redemption, within the meaning of Article 148, Sch. II, Act IX of 1871. The record shows that the appellants did not acknowledge any right of redemption anywhere. They contested in 1863 an attempt of the heirs of the mortgagors to establish their right of redemption, and ultimately in 1872 they succeeded in obtaining an order from the revenue authorities for the erasure of the word mortgagees.

If we look at the effect of an acknowledgment

in writing in respect of a debt or legacy (Sec. 20, Act IX of 1871), we find that no promise or undertaking would take the case out of the operation of the Act, unless the promise or acknowledgment amounts to an express undertaking to pay or deliver the debt or legacy, or to an unqualified admission of the liability as subsisting. So I think that any one who desires to take his claim out of the operation of Article 148, Sch. II., must show a clear and express acknowledgment in writing of the title of the mortgagor or of his right to redeem, that this acknowledgment must be unqualified and made touching the mortgage. It cannot be implied from a general admission of the accuracy of certain settlement records dealing with a great variety of matters.

I, therefore, would decree the appeal, reverse the judgment of the Lower Appellate Court and restore that of the first Court, with costs.

The defendants appealed to the Full Court, under the provisions of Clause 10 of the Letters Patent, against the judgment of Pearson, J.

Munshi Hanuman Parshad (with him Babu Joyindro Nath Chaudhari), for the appellants, contended that the mere signatures of the mortgagees to a document, in which they were described as mortgagees, and which did not show who the mortgagor was, or the nature of the mortgage, or the amount of the mortgage-money, did not amount to an acknowledgment of the title of the mortgagor or of his right to redeem. There is no written acknowledgment touching the mortgage, signed by the mortgagees, which expressly, or by implication, acknowledges the title of the mortgagor or of his right to redeem. The entry in the documents was made by the settlement officer.

Pandit Bishambhar Nath for the respondents.—The mortgagees were in possession of the property. They assigned to themselves at the settlement of the estate the position of mortgagees. The entries were made on their representation, and are signed by them. The statements recorded are accepted by them. This amounts to an acknowledgment of the title of the mortgagor, whoever he may be.

**TURNER, OFFC. C. J., and OLDFIELD, J., concurred in the following opinion:—**

The question which arises in this appeal is whether or not there has been a sufficient acknowledgment of the mortgagor's title or his right to redeem to prevent the operation of the law of limitation, or rather to give the representatives of the mortgagors a new period from which limitation should be computed.

The terms of the law, an acknowledgment of the mortgagor's title or an acknowledgment of his right to redeem, were not, it may be presumed, intended to be mere tautology. An

acknowledgment that a certain person, or his representative, is the proprietor of the estate is an acknowledgment of his title. An acknowledgment that the mortgage is a subsisting mortgage would be an acknowledgment of his right to redeem, if he established his title.

The provisions of the English Statute 3 and 4 Will. 4, Cap. 27, Section 28, require, in order to enlarge the statutory period of limitation, that an acknowledgment of the title of the mortgagor or of his right to redemption shall be given to the mortgagor or some person claiming his estate, or to the agent of such mortgagor or person, in writing signed by the mortgagee or the person claiming. It appears to be the law that any acknowledgment, which before the passing of the English Statute would have been sufficient, will satisfy the requirements of the Statute if it be given in writing to the mortgagor or to a person claiming his estate, or to the agent of such mortgagor or person.—*Fisher on Mortgages*, 2nd Ed. Vol. I, 502, page 288. Before the Statute was enacted it was held that an acknowledgment of the mortgage as a subsisting mortgage was an acknowledgment of the mortgagor's right to redeem: and in a case quoted by Lord Hardwicke it was held by Sir J. Jekyll that, where a testator described an estate in his will as my "mortgaged estate," it was a sufficient acknowledgment of the mortgagor's right to redeem.\* This ruling appears never to have been over-ruled: it is quoted in *Tudor's Leading Cases*, Vol. II, 4th Ed., 1065. We are not, indeed, bound by English cases, but we may usefully consult them.

With the exception that it requires the acknowledgment to be in writing, the law of limitation in this country, so far as it applies to the question before us, appears to be analogous to the English law as it was established by the practice of the Courts of Equity before the Statute above referred to was enacted. The law of British India does not require that the acknowledgment should be given to the mortgagor, but, in other respects, it follows the language of the English Statute and the practice of the Courts of Equity before that Statute was enacted. The acknowledgment must be in writing, signed by the mortgagee or a person claiming under him, and it must acknowledge the title of the mortgagor or his right to redeem. In the case before us the settlement officer had prepared the record-of-rights, a record which by law he was bound to prepare, showing the interests in the village of which he found persons in possession. From the records of preceding settlements he ascertained that the appellants, or rather their predecessors in title, had obtained possession in virtue of a mortgage, and he entered them accordingly in

his record as mortgagees. To this record, for the purpose of certifying to its correctness, he obtained the signature of those whom he found in possession, and, amongst others, of the appellants. This appears to be a stronger case than that decided by Sir J. Jekyll. Here there is not a mere description of the estate as a mortgaged estate, but a subscription to a record purporting to show the extent of the rights which the persons in possession enjoyed. For this reason we hold the acknowledgment sufficient, and would dismiss the appeal with costs.

**PEARSON, J.**—There can be no doubt that the settlement record of 1841 does not contain an express acknowledgment of the title of any particular persons as owners of the estate in question in this suit or of their right of redemption, for the mortgagors or their representatives are not named. If, therefore, such an express acknowledgment be required by the terms of Article 148, Sch. II, Act IX of 1871, the present suit, instituted in 1874 for the redemption of a mortgage alleged to have been made in 1811, is liable to be dismissed as barred by the law of limitation. I still adhere to the opinion intimated in my judgment of the 8th April last, that such an express acknowledgment is not required, and the acknowledgment of a subsisting mortgage tenure is by implication an acknowledgment of the title of an owner and of his right to redeem, and sufficiently for all practical purposes complies with the terms of the law. It is not reasonable to suppose that any one would allow himself to be described as the mortgagee of a property of which the mortgage had ceased to be redeemable at law, and the names of the owners thereof had been lost to knowledge by lapse of time, without any mention of those circumstances. In the present case there are no grounds for supposing that in 1841 there was any doubt or dispute as to who were the owners, or whether they were entitled to redeem the property in suit. The addition of their names, though it would have completed the statement of the facts, was hardly necessary, and the omission of their names was presumably accidental. An acknowledgment of a mortgage tenure not including the title of a mortgagor and of a right to redeem appears to be meaningless, useless, and absurd. The main point is whether the tenure is that of a mortgagee; it can make no difference to the mortgagee whether the owner is A or B. If it be held that an entry describing C as mortgagee of a share, acknowledged by C, would be an acknowledgment that would satisfy the requirements of the law, it cannot plausibly be contended that an entry describing C as a mortgagee does not describe a subsisting mortgage tenure. But if there were any real doubt as to whether the acknowledgment implied in a man's description of himself as a mortgagee

\* 3 Atkyns' Rep., at p. 111.

[July 15, 1876.]

referred to a subsisting mortgage, or one which had ceased to be redeemable, the doubt might easily be removed by an enquiry as to whether the mortgage had or had not ceased to be redeemable at law at the date of the acknowledgment.

The view which I have taken as to what constitutes a sufficient acknowledgment is apparently not at variance with English law. In page 288, Vol. I, Fisher's Law of Mortgage, it is stated that "any expression referring to the estate as mortgaged will be a sufficient acknowledgment." The description by a man of himself as the mortgagee of an estate is surely a reference to the estate as mortgaged to him. In the case of *Stansfield v. Hobson*,<sup>\*</sup> cited in support of the doctrine, the reference to the estate, as one of which the mortgage was redeemable, did not express the name of the party entitled to redeem, which was ascertained by external evidence. This case establishes both the points for which I contend; first, that an acknowledgment of a mortgage tenure is by implication an acknowledgment of the title of an owner; and secondly, that other evidence may be admitted to show who is the person possessing that title to whom the acknowledgment referred. In that case the evidence indicating the owner may have been nearer at hand than in the present case; but that difference does not affect the principle that an acknowledgment of a redeemable mortgage may be connected by evidence with the person entitled to redeem it. On the other hand, it is observable that the acknowledgment in that case not only did not specify any particular person as the owner, but that it did not specify any particular property as the subject of the mortgage; and further, that it was apparently made after the lapse of the period of the limitation, when the right of redemption, if it had not been extinguished, could not be enforced at law. The acknowledgment, indeed, which was deemed sufficient to take the case out of the ordinary operation of the law of limitation was no more than an answer by the mortgagee to a proposal on behalf of the mortgagor for a meeting for the purpose of considering the matter of the debt, to the effect that, unless some one was prepared to pay the debt, a meeting would be useless. It was held that, by that answer, a right of redemption had been admitted; and the admission was supplemented by evidence which pointed out the mortgagor and the mortgaged property. In the present case the acknowledgment takes the form of a description by the defendants' ancestors of themselves as mortgagees of the property in question on the public and solemn occasion of a settlement, the mortgage not being known to have been

irredeemable at law at the time, and a clue to the names of the owners being found in the settlement records.

At page 314 of Atkyn's Reports mention is made of a case in which Sir J. Jekyll decreed a redemption upon the circumstance of the person who was in possession of an estate originally in mortgage calling it by the name of the mortgaged estate in his will. This case supports my judgment not less than that of *Stansfield v. Hobson* above quoted.

**SPANKIE, J.**—I am under the impression that my honorable colleagues take a different view of this case than I do. I, therefore, would simply say that I adhere to my former judgment. Nothing was stated at the hearing which shows me that my opinion was wrong, and I can add nothing to what I have already put on record.—*The Indian Law Reports*, Vol. I, Part IV, Page 117.

## CIRCULAR ORDERS OF THE BOARD OF REVENUE.

### No. V.

STANDING No. 404-16.

#### LEAVE ON HALF-PAY TO SICK PEONS.

*Proceedings of the Board of Revenue, dated 16th May 1876, No. 1,268.*

In substitution of Standing Circular No. 404-1 (5 of 1866) the following amended rule has been sanctioned.

2. The indulgence of leave on half-pay is to be restricted to peons receiving medical aid from a hospital or dispensary as in or out-door patients, except where there is no hospital or dispensary at the station at which the peon is serving, the indulgence being granted in such cases at the discretion of the divisional officer to peons during such leave at their homes.

### No. VI.

STANDING No. 171-7.

#### VILLAGE SERVICE INAMS ENFRANCHISED.

*Proceedings of the Board of Revenue, dated 19th May 1876, No. 1,304.*

In modification of Standing Circular No. 171-3 (14 of 1870), Government have decided that the full assessment minus the old jodi on Enfranchised Village Service Inams, reverting to Government by escheat or relinquishment, should be credited to the Village Service Fund.

\* 3 De G. Mac. and G. 620; S. C. 16 Beav. 286; 22 L. J. Chanc. 657.

## No. VII.

STANDING Nos. 150-12 and 144-2.

## SUB-DIVISION OF SURVEY FIELDS.

*Proceedings of the Board of Revenue, dated 24th May 1876, No. 1,368.*

In modification of Standing Circular No. 7 G. O., dated 11th March 1876, No. 360. of 1875, it has been decided that stone demarcation is to be reserved for survey fields, and that the sub-division of survey fields shall be marked by means of field backs instead of by stones not bearing the distinctive marks of the Survey Department.

2. The following course should be pursued in recording measurements of sub-divisions of survey fields :—

In districts that have been surveyed or settled, a record of all measurements of sub-divisions of survey fields made subsequently by the Revenue Department must be prepared in duplicate, and one copy should be filed in the Collector's Office, and the other furnished to the Curnam. A separate register for each taluk should be kept in the Collector's Office in which all sub-divisions, as submitted for confirmation, should be recorded, and, at the same time, the measurement sketched should be numbered to conform with the register and one copy filed as above directed.

In districts that have not been surveyed or settled, it will suffice if the Curnam's measurement sketch be filed in the taluk with the order sanctioning the sub-division.

## No. VIII.

STANDING No. 407-14.

TRAVELLING ALLOWANCE TO HOSPITAL ASSISTANTS PROCEEDING ON DUTY IN CIVIL DEPARTMENT BY RAIL.

*Proceedings of the Board of Revenue, dated 30th May 1876, No. 1,412.*

COLLECTORS are informed that the Standing Order No. 407-12 is intended to apply to journeys performed by Hospital Assistants travelling from one station to another in joining appointments but not to journeys performed on duty within the district. Hospital Assistants travelling by rail within the district on duty other than that indicated above can only draw a single fare of the class to which their rank entitles them under Standing Order No. 407, paragraph 2, page 420 of Mr. Dalzell's edition.

## HER MAJESTY'S PRIVY COUNCIL.

## [BENGAL CASE.]

*Act VIII of 1859, Section 2—Cause of Action—Res judicata.*

*B, as adopted son and heir of G, instituted a suit to set aside certain purni leases, under which certain persons claimed to hold lands which had belonged to G. The defence was, that B was not the legally adopted son of G, and an issue on this point having been settled, K, who claimed to be the reversionary heir of G, was made a defendant under Section 73 of Act VIII of 1859; and it was eventually decided in that suit that B was the duly adopted son of G.*

*HELD, that a subsequent suit by K against B to set aside the adoption could not, on the principles laid down in the case of Soorjeemonee Dayee v. Suddanund Mohapatter,\* be maintained.*

*Kriparam v. Bhagawan Das† overruled.*

Judgment of the Lords of the Judicial Committee of the Privy Council on the appeal of *Krishna Behari Roy v. Bunwari Lall Roy* and another, from the High Court of Judicature at Fort William in Bengal, delivered 17th November 1875.

## Present.

SIR JAMES W. COLVILLE.  
SIR BARNES PEACOCK.  
SIR MONTAGUE E. SMITH.  
SIR ROBERT P. COLLIER.

Mr. L. W. Cave, Q.C., and Mr. Horace Smith, for the appellant.

Mr. Leith, Q. C., and Mr. Doyne, for the respondents.

The facts of the case and the arguments are sufficiently stated in the judgment of their lordships, which was delivered by

Sir M. E. SMITH.—This was a suit brought by the appellant, claiming to be the heir of Goursoonder Roy, to set aside an adoption of the respondent Bunwari Lall, alleged to have been made by the widow of Goursoonder Roy. One of the defences set up by Bunwari Lall and by his mother, who was joined in the suit as a defendant, was that the question of the validity of the adoption of Bunwari Lall had been already decided in a former suit, to which

\* 12 B. L. R., 304.

† 1 B. L. R., A. C., 68.

the present appellant Krishna Behari Roy was a party. An issue was raised upon that defence. Now it appears that a former suit had occurred which was of this nature; Bunwari Lall had brought an action against some patnidars who claimed under patni leases granted by his adoptive mother. The ground on which he sought to set aside the leases was, that she had exceeded her power in granting them, inasmuch as she had only a widow's estate. It is not necessary to state more respecting the object of that suit. An issue was raised in it upon the question whether Bunwari Lall had been validly adopted. The present appellant and plaintiff Krishna Behari Roy intervened in that suit, upon the ground that he was the heir of Goursonder Roy, and, as the heir, had a right to intervene to dispute the title of Bunwari Lall as his adopted son. It does not appear very clearly at what period of the suit that issue was raised—whether before or after Krishna Behari Roy intervened—but undoubtedly it was raised, and is in substance the same as the issue raised in the present suit. The issue was tried, and the Principal Sudr Ameen found against the intervenor and in favour of the adoption. He also found in favor of the patnidar that the patni could not be set aside. The patnidar having a decision in his favor, was, of course, satisfied with that decree; but Krishna Behari Roy being dissatisfied with the finding upon the issue as to the adoption, appealed to the Civil Judge. On this appeal the decision of the Principal Sudr Ameen was affirmed. Again he appealed from the Civil Judge to the High Court, which, after fully hearing the case upon the issue of adoption, affirmed the decisions of the Courts below. There exists, therefore, a final and complete judgment upon the issue raised either at the instance of Krishna Behari Roy, or which he adopted, on the very question which he seeks again to raise in this suit.

Both the Courts below have held that the present suit is barred by reason of the judgment in the former one. The ground of the present appeal is that they are wrong, inasmuch as it is said, that the case does not come within Section 2 of Act VIII of 1859. Now the section is this:—"The Civil Courts shall not take cognizance of any suit brought on a cause of action which shall have been heard and determined by a Court of competent jurisdiction in a former suit between the same parties or between parties under whom they claim." Their lordships are of opinion that the expression "cause of action" cannot be taken in its literal and most restricted sense. But however that may be, by the general law, where a material issue has been tried and determined between the same parties in a proper suit, and in a competent Court, as to the status of one of them in relation to the other, it cannot, in their opinion, be again tried in another suit between them.

It is not necessary for their lordships to go at length into the reasons for their decision, because those reasons appear in a recent judgment of this Board in the case of *Soorjeemonee Dayee v. Suddanund Mohapattee*.\* In that judgment it is said, after reference to the second clause of Act VIII, "Their lordships are of opinion that the term 'cause of action' is to be construed with reference rather to the substance than to the form of action, and they are of opinion that in this case the cause of action was in substance to declare the will invalid, on the ground of the want of power of the testator to devise the property he dealt with. But even if this interpretation were not correct, their lordships are of opinion that this clause in the Code of Procedure would by no means prevent the operation of the general law relating to *res judicata*, founded on the principle '*nemo debet bis vexari pro eadem causâ*' This law has been laid down by a series of cases in this country with which the profession is familiar. It has probably never been better laid down than in a case which was referred of *Gregory v. Malesworth*,† in which Lord Hardwicke held that where a question was necessarily decided in effect, though not in expressa terms, between parties to the suit, they could not raise the same question as between themselves in any other suit in any other form; and that decision has been followed by a long course of decisions, the greater part of which will be found noticed in the very able notes of Mr. Smith to the case of the *Duchess of Kingston*."‡

A decision of the High Court of Bengal has been referred to, the case of *Kriparam v. Bhagawan Das*,§ as having a contrary tendency. All their lordships desire to say of it is that, as reported, it does not appear to be consistent with their judgment in the former appeal to which they have referred, nor with their opinion in the present case. The decision is of so recent a date that they desire to say no more upon it.

On reference to some notes of Mr. Broughton on this section of Act VIII of 1859, it appears that the decisions have not been uniform in the Courts in India. Several of them are opposed to that referred to.

It was suggested by Mr. Cave that the former judgment ought not to be binding, because certain witnesses having been examined before the present appellant intervened in the suit, he was refused the opportunity of cross-examining them. Their lordships think that

\* 12 B. L. R., 304.

† 3 Atkyns, 626.

‡ 2 Smith's L. C., 6th ed., 679.

§ 1 B. L. R., A. C., 68. In their lordships' printed judgment the case referred to is incorrectly given as *Shaikh Rahmatulla v. Shaikh Saritulla Kagchi*.

such an objection is no answer to the defence arising from the former judgment. If there had been any miscarriage of that kind, the matter was one for appeal in that suit. The objection does not appear to have been raised in the appeals which were successively made in that suit to the Civil Judge and to the High Court; but whether it was so raised or not, their lordships think that they cannot affect the operation of the final judgment, which must be taken to have been rightly given.

In the result, their lordships will humbly advise Her Majesty to dismiss this appeal, and to affirm the judgments below with costs.—*The Indian Law Reports*, Vol. I, Part IV, page 144.

## OFFICIAL PAPERS.

### FOOT-AND-MOUTH DISEASE IN CATTLE.

*Proceedings of the Madras Government, Revenue Department*, 3rd May 1876.

Read the following letter from C. MACAULAY, Esq., Officiating Under Secretary to the Government of India, Department of Revenue, Agriculture, and Commerce (Studs, Cattle-disease, &c.), to the Secretary to the Government of Madras, dated Calcutta, 17th April 1876, No. 343:—

IN continuation of the circular from this department, No. 2, dated the 14th February last, I am directed to forward, for the information of His Grace the Governor in Council,

\* No. 1375, dated copy of a letter\* from the 25th March 1876. Junior Secretary to the Chief Commissioner of Oudh, and of its enclosure, a report by Mr. Anderson, Veterinary Surgeon, on special duty in that province, on the subject of the trial of Colonel Davies' prescription for the treatment of foot-and-mouth disease in cattle and on the general features of that disease as it occurs in Oudh.

### ENCLOSURE No. 1.

From A. MURRAY, Esq., Junior Secretary to the Chief Commissioner of Oudh, to the Secretary to the Government of India, dated Lucknow, 25th March 1876, No. 1,375.

With reference to your letter, No. 2-22, dated 14th February last, forwarding copy of despatch from the Secretary of State for India, enclosing a correspondence with the Veterinary Department of the Privy Council, regarding Colonel Davies' mode of treatment of foot-and-mouth disease in cattle, I am directed to for-

ward, for the information of His Excellency the Governor-General in Council, the accompanying

\* No. 113, dated 14th March 1876. copy of a letter\* from Mr. Anderson, Veterinary Surgeon, on special duty in Oudh, and of its enclosure, on the result of the trial of Colonel Davies' prescription and on the treatment of cattle-disease generally.

From Mr. T. ANDERSON, Veterinary Surgeon on special duty in Oudh, to the Junior Secretary to the Chief Commissioner of Oudh, dated 14th March 1876, No. 113.

In compliance with your letter, No. 4,914, dated 21st October 1875, I have the honor to state that I have had Colonel Davies' prescriptions fully tried in the Oudh Province.

2. Before discussing the results I beg to submit a few remarks on the disease itself, which may somewhat elucidate the subject in question.

3. If Colonel Davies' prescription for the foot-and-mouth disease in Burma be correct, it is one of an entirely different nature from that designated by the same name in India, in England, and on the Continent, and no inference of any value can be drawn from a trial of his remedies in cases attacked by the ordinary disease.

4. With regard to the parasitic animalcules "which," Colonel Davies states, "cause the disease," and whose destruction is the aim of his treatment, I beg to make the following extract from Professor Williams' Principles and Practice of Veterinary Medicines (page 157), a work which is the latest and most reliable authority on diseases of domesticated animals. "Some," he observes, "have thought that the contagium was contained or existed in the form of a vegetable parasite fungus, whilst others, speculating as to its source of origin, have advanced the idea that it is due to the development of organic germs having independent movements, in fact, to living particles of animal matter. These are, however, speculations which cannot be confirmed by examination with high microscopic powers; they therefore fall to the ground. Microscopic examination of the blood, saliva, tears, and the contents of the vesicles, have failed to detect any substance to the presence of which the disease might be ascribed."

5. Foot-and-mouth disease is simply "a highly contagious and infectious febrile disease associated with a vesicular eruption in the mouth, between the pedal digits and around the coronets" (Williams); and, being so, it must run its course, while the most successful treat-

ment will be one which will best alleviate the symptoms and best preserve the patient under healthy sanitary conditions. In hot climates where wounds and sores have a tendency to take an unhealthy action, thereby attracting the attacks of flies, it is a point of the utmost importance, in cases of this disease, to prevent the sores from becoming fly-blown, which they are most apt to do. In fact, the rapid generation of maggots in the wounds associated with this disease is the chief difference exhibited between it as it occurs in India and in England, and possibly their very frequent occurrence in these sores may have led Colonel Davies to attribute the cause of the disease to their presence.

6. During my experience of many hundreds of cases I have found that the disease has been one of a decidedly benign type, and the mortality not exceeding one or two per cent; the loss to the stock-owner being one resulting from his animals getting into low condition, and remaining unfit for work for a considerable time after the attack. When this occurs at seasons of the year when a few days are of the utmost moment regarding the ploughing and tillage of the land previous to sowing, this loss is doubly heavy, first to the Assamee himself, and secondly to Government in the matter of assessment. On this account I beg most respectfully to urge the advisability of special legislation for preventing infected animals from being permitted to go from place to place, thereby spreading the disease, which is one of a most infectious nature.

7. Having submitted these remarks, I beg to state that the following has been the result of a trial of Colonel Davies' prescriptions in about 100 cases. The prescriptions appear to have no specific value, but are beneficial on account of their stimulating and astringent properties. They however rapidly dry and fail to preserve the wounds from the attacks of flies. On this account their action is much inferior to the prescription noted in the appended report on the disease, *viz.*, camphorated oil. This application retains its properties for a much longer period than the others, which is a matter of the utmost importance in a district of wide extent containing hundreds of cases, each one of which cannot be dressed by the few veterinary attendants in charge oftener than once in every two or three days, the Assamees being too apathetic, ignorant, and suspicious to be trusted with treating the cases themselves.

8. I beg to append a few remarks on the nature, symptoms, and treatment of foot-and-mouth disease as it occurs in the province of Oudh, in order to facilitate comparison between it and the disease described by Colonel Davies.

#### *Foot-and-mouth disease.*

A febrile disease of a highly contagious and infectious nature, associated with a vesicular eruption about the lips, the

inside of the mouth, on the tongue, gums and cheeks, and sometimes extending to the nose. It also occurs between the pedal digits, and at the junction of hair and hoof around the coronets and heels. In some animals the mouth only is affected, in others the feet are the seat of disease, the latter phase being most common in Oudh; in such cases sometimes only one foot is affected and sometimes all four, and in very bad attacks there is separation of the hoof from the feet.

The ravages of this disease are most extensive amongst the working bullocks, they being particularly exposed to the contagium which is contained in the discharge from the feet or mouth as the case may be, and thus impregnates roads, pastures, watering places, and, in fact, every place to which they may go. It is of such an infectious nature that it is easily conveyed from place to place by game, vermin, and dogs.

The disease is generally ushered in with a shivering fit, followed

Symptoms. by fever, loss of appetite, disinclination to move,

stiffness and swelling of the legs; and in four or five days vesicles make their appearance, varying in size from a two-anna bit to a rupee, and if the mouth is the seat of disease, saliva flows freely. There is smacking of the lips, and, if the feet are affected, there is lameness and a peculiar action of the affected limbs, which the animal frequently and suddenly picks up and lashes to the rear, a quivering motion being given to it on the completion of the kick, while the limb is held out in a state of tension. When the vesicles burst, sores are left that either heal up immediately or turn into ulcers, which, if neglected, spread, abscesses form, maggots are generated, and in very exceptional cases death is the result.

I have seen sloughing of the hoofs and bones of the foot, and in one case that of the nostrils and cheeks with disease of the bones of the head, the sinuses being infested with maggots extending to the brain.

The treatment should be alleviative, the disease being one that

Treatment. runs through a regular course generally terminating

in recovery. Mild cases require little or no treatment whatever save cleanliness: however, when it is practicable the following drench—

Common salt	...	4 to 8 ounces
Chiretta	...	1 to 2 "
Ginger	...	1 to 2 "
Water	...	1 to 2 quarts

should be divided into two portions, one to be given in the morning and one in the evening. If it be not convenient to administer the drench twice a-day, the whole quantity may be given at one time. If purging ensues, the salt should be discontinued and may be resumed as the state of the bowels may indicate. When the mouth is affected, it should be washed as often as possible with alum water. When sinuses form, they must be well opened up in order to prevent matter burrowing into the sensitive parts of the foot, all detached pieces of skin and horn must be removed with a sharp knife or scissors, and the sores washed and cleaned thoroughly. Maggots are invariably present in bad cases, and until they are removed healthy action cannot set in. This operation is best done by a probe, knife, or forceps, then a pledget or two well soaked in camphorated oil made as follows—

Camphor ... ... ...	4 parts
Oil of turpentine ... ...	1 "
Linseed oil ... ...	16 "

(to be well mixed together)

should, if possible, be applied and kept on by means of a bandage. When this cannot be done, the sore and all round it should be

smeared with the oil. Two or three such dressings I find sufficient to render the most unhealthy sores healthy. The oil removes maggots and keeps away flies. I consider it a most valuable dressing for foot-and-mouth disease in this country. As far as my experience goes, in such cases the great object is to prevent the sores from becoming fly-blown and maggoty. The natives are alive to this and tie the affected animals in a pool of water or mudhole which has the desired effect, a practice that is neither so speedy nor so effectual as the treatment I have recommended. In fact, I have seen some very bad cases of sloughing brought on by it through the sand or mud working into sensitive parts of the foot.

The recipe for the camphorated oil is given and recommended by Inspecting Veterinary Surgeon F. H. B. Hallen in his manual on the more deadly forms of cattle disease in India.

Order thereon, 3rd May 1876, No. 572.

Communicated to the Board of Revenue in continuation of G. O., dated 9th March 1876, No. 348.

(True Extract.)  
(Signed) D. F. CARMICHAEL,  
Secretary to Government.

#### NEW SETTLEMENT.

*Proceedings of the Madras Government, Revenue Department, 23rd May 1876.*

Read the following Proceedings of the Board of Revenue, dated 17th March 1876, No. 764:—

Read the following letter from C. RUNDALL, Esq., Acting Director of Revenue Settlement, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated Madras, 12th January 1876, No. 846:—

As promised in paragraph 2 of the Annual Report for 1874-75, I have the honor to submit a report on the results of the new settlement No. 1,471-42 of 17th July 1875, to Board. during the corresponding Revenue year, Fusly 1284, in those districts and parts of districts newly settled during the preceding years.

2. GODAVERY.—The results of this district show, as usual, an improvement when compared with the figures of the previous year, as indicated below. The increase is ascribed to the area in occupation during the year having extended owing to the favorableness of the season in the earlier months:—

Taluks.	Fusly 1283.	Fusly 1284.	Difference.
	RS.	RS.	RS.
1. Ramachendrapur ... ... ...	5,76,621	5,69,711	— 6,910
2. Amalapur ... ... ...	3,13,895	3,16,068	+ 2,173
3. Narsapur ... ... ...	3,99,717	4,05,400	+ 5,683
4. Tanuku ... ... ...	3,22,512	3,22,436	+ 76
5. Bhemaveram ... ... ...	3,01,542	3,40,056	+ 38,514
6. Ellore ... ... ...	1,66,181	1,66,786	+ 605
7. Rajahmundry ... ... ...	1,14,922	1,18,668	+ 3,746
8. Yarnagndum ... ... ...	98,745	94,216	+ 471
9. Peddapur ... ... ...	1,30,750	1,31,453	+ 703
Total...	24,19,885	24,64,794	+ 44,909

The deficit observable in the Ramachendrapur Taluk is accounted for by the decrease in the growth of second crop, owing to the closing of the canals in the eastern and western deltas.

3. The demand of Fusly 1284 is Rupees 4,10,073 in excess of that of Fusly 1271, the year previous to the introduction of the new settlement into the western delta.

		RS.
Fusly 1271	...	20,54,721
Do. 1284	...	24,64,794
	<u>+ 4,10,073</u>	

4. KISTNA.—This district, like the Godavery, exhibits an increase, amounting to Rupees 58,744, over the demand of Fusly 1283; and Rupees 5,13,462 over that of the year previous to the introduction of the new settlement. The Masulipa-

Portions of the District.	Demand of Fusly previous to the introduction of new Settlement.	Demand of Fusly 1284.	Difference.
	RS.	RS.	RS.
Masulipatam portion ...	5,79,350	8,61,677	+ 2,82,327
Guntur portion ...	24,24,932	26,56,127	+ 2,31,135
Total...	30,04,342	35,17,804	+ 5,13,462

tan portion furnishes Rupees 2,82,327, and the Guntur portion Rupees 2,31,135 of the excess. The reasons for the increase over the previous year are almost identical with those noted for the Godavery; but the conversion of dry lands into wet in the delta taluks is stated to augment the return. There is a small decrease in Guntur and Vinnukonda by the relinquishments being greater than the darkhasts, but this will probably soon rectify itself.

5. The usual Talukwar details are recorded below:—

Taluks.	Fusly 1283.	Fusly 1284.	Difference.
	RS.	RS.	RS.
Masulipatam portion—			
1. Gudivada ...	3,99,653	4,11,892	+ 12,239
2. Bunder ...	1,45,667	1,49,570	+ 3,903
3. Nandigam ...	1,88,033	1,83,152	+ 119
4. Bezwada ...	1,17,534	1,17,063	— 471
Total...	8,45,887	8,61,677	+ 15,790
Guntur portion—			
5. Repalli ...	6,15,214	6,43,316	+ 28,102
6. Bapatla ...	5,29,421	5,44,570	+ 15,149
7. Guntur ...	3,99,105	3,96,980	— 2,125
8. Paluad ...	2,87,121	2,88,908	+ 1,787
9. Narasarowpet ...	3,12,648	3,13,785	+ 1,137
10. Sattanapalli ...	3,49,713	3,49,672	— 41
11. Vinnukonda ...	1,19,951	1,18,896	— 1,055
Total...	26,13,173	26,56,127	+ 42,954
Grand Total...	34,59,060	35,17,804	+ 58,744

6. SOUTH ARCOT.—The results of the new settlement for this district apply only to the Chedambram Taluk. Operations have not yet been extended to the remaining portion of the district. The demand of Fusly 1284 aggregates Rupees 5,32,497, or Rupees 10,321 in excess of its predecessor. This increase is not wholly due to the growth of the assessment, but partly to

\* Vide Board's Proceedings, No. 208, dated 3rd Feb. 1874.  
change of revenue procedure, by which second crop assessment has been levied\* on certain lands free in this respect up to Fusly 1283, and

as well to the introduction of the new water-rate, in conformity with Board's Proceedings, No. 524, dated 9th March 1874, under which the charge is by the half cawny instead of on the actual area returned as irrigated. These changes account for Rupees 6,523, or more than half of the increase referred to.

7. The beriz of Fusly 1284 likewise exhibits an enhancement over the demand of the year previous to introduction :—

	RS.
Fusly 1270 ... ... ... ... ...	5,20,605
Fusly 1284 ... ... ... ... ...	5,32,497
	<u>+ 11,892</u>

Demand of the year previous to introduction.	RS.
Do. Fusly 1284 ... ...	16,19,105
	<u>14,36,767</u>
	— 1,82,638
Settlement Demand at first introduced	... 12,20,007
Do. in Fusly 1284 ... ...	... 14,36,767
	<u>+ 2,16,760</u>

8. TRICHINOPOLY.—There is a slight increase in the demand of Fusly 1284 when contrasted with that of Fusly 1283; but the revenue is still much below that of the year previous to introduction. Still it is satisfactory to observe that Rupees 2,16,760 have been added to the demand since the original introduction as specified in the margin. The comparison of Fusly 1283 and 1284 is given below :—

Taluks.	Fusly 1283.	Fusly 1284.	Difference.
1. Trichinopoly ... ... ... ...	4,58,237	4,57,712	— 525
2. Museri ... ... ... ...	3,20,356	3,23,623	+ 3,267
3. Kulitalai ... ... ... ...	1,94,088	1,92,640	— 1,448
4. Perambalur ... ... ... ...	2,36,974	2,35,813	— 1,161
5. Udayarpolam ... ... ... ...	2,25,690	2,26,979	+ 1,289
Total... ...	14,35,345	14,36,767	+ 1,422

9. KURNOOL.—The following statement compares the demand of Fusly 1284 with that of the preceding year. The result, like that for other districts already noticed, is favorable :—

Taluks.	Fusly 1283.	Fusly 1284.	Difference.
1. Ramalkota ... ...	1,70,850	1,74,873	+ 4,023
2. Nandikotkur ... ...	2,05,275	2,07,426	+ 2,151
3. Nandial ... ...	1,86,267	1,87,343	+ 1,076
4. Sirwell ... ...	1,53,761	1,53,405	— 356
Total... ...	7,16,153	7,23,047	+ 6,894
5. Pattikonda ... ...	2,01,644	2,04,329	+ 2,685
6. Koilkuntla ... ...	2,03,694	2,01,817	— 1,877
Grand Total... ...	11,21,491	11,29,193	+ 7,702

By the new settlement the assessment of the four taluks of Kurnool Proper was reduced, as

Demand of the year previous to introduction... 7,29,464      RS. 35,851. The deficit, as explained below, now  
Do. as introduced in the first year ... 6,93,603      stands at Rupees 6,417 for Fusly 1284. Including the more recently settled taluks, there  
— 35,851      is an addition to the revenue of only Rupees 752.

Talukas.	Beriz of Fusly previous to the introduction.	Beriz of Fusly 1284.	Difference.
	RS.	RS.	RS.
Kurnool Proper	7,29,464	7,23,047	- 6,417
Pattikonda	1,98,991	2,04,329	+ 5,338
Koilkuntla	1,99,986	2,01,817	+ 1,831
Total...	11,28,441	11,29,193	+ 752

10. CUDDAPAH.—This district now needs attention in respect to the taluks first settled as under:—

Taluks.	Fusly 1283.	Fusly 1284.	Difference.
	RS.	RS.	RS.
Cuddapah	2,39,139	2,31,498	- 7,641
Prodatoor	1,73,871	1,76,495	+ 2,624
Jamalamadugu	1,88,338	2,01,794	+ 13,456
Total...	6,01,348	6,09,787	+ 8,439

Whilst there is a falling off in the Cuddapah taluk, there is an increase in the other taluks, and on the whole an enhancement on the previous year's revenue of Rupees 8,439. Compared with the demand of the year previous to introduction, the addition is Rupees 15,341 as exhibited below:—

Beriz of the year previous to introduction ..	...	...	...	5,94,446	RS.
" Fusly 1284 ..	...	...	...	6,09,787	
				+ 15,341	

11. The demand of Fusly 1282, given as Rupees 5,53,100 at paragraph 12 of Mr. Banbury's report recorded in Board's Proceedings No. 78, dated 15th January 1875, differs by Rupees 41,346 from the Rupees 5,94,446 now taken for comparison. Of this amount, Rupees 34,516 comprises second crop and additional assessment, brought to account, at the time of the Jamabundi, and included in the demand of the year, but which did not find a place in the comparison Mr. Banbury instituted. The particulars then furnished, though correct in respect to the actual results of the introduction, will not conform with the difference observable between the revenue returns of one year and the other. As the total revenue throughout this report is taken for comparison each year, it is requisite to take the corresponding total revenue for the year prior to the introduction, and not that given in reporting the results of the introduction. The variation in the first year arises partly as regards the charge for second crop and additional assessment, and partly in respect to change as to occupation between the period of introduction and the Jamabundi. The remaining sum of Rupees 6,830 needs to be accounted for under this latter cause. The same reason explains the difference noticeable between the figures of Pattikonda and Koilkuntla of the Kurnool District. It has to be borne in mind that the demand in the three taluks of Cuddapah is not fully realized, the increase by the rates as introduced being to some extent, where at all

G. O., dated 24th July 1874, No. 919. heavy, levied gradually by increments as directed by Government.

12. SALEM.—This is the second year for which a comparison for the whole district is

instituted. The result for the year is, I am glad to report, more favorable, being an enhancement of Rupees 26,043 as specified below:—

Taluks.	Fusly 1283.	Fusly 1284.	Difference.
1. Salem ...	3,87,020	3,92,851	+ 5,831
2. Ahtoor ...	2,28,611	2,26,288	+ 2,677
3. Namkul ...	1,99,270	2,01,249	+ 1,979
4. Trichengode ...	2,75,393	2,82,596	+ 7,203
5. Darampuri ...	1,67,226	1,71,403	+ 4,177
6. Kistnagherry ...	1,38,266	1,40,428	+ 2,162
7. Ossoor ...	1,69,304	1,69,475	+ 171
8. Tripatore ...	1,05,671	1,05,217	- 454
9. Utteugherry ...	1,10,934	1,13,231	+ 2,297
Total... ...	17,76,695	18,02,738	+ 26,043

Vide paragraph 11 of Mr. Banbury's letter, recorded in G. O. No. 255, dated 17th February 1875.

Rs.
Beriz previous to new Settlement ... 18,26,265
Do. of Fusly 1284 ... 18,02,738
— 13,527

The demand of 1283 was less by Rupees 49,570 than that of the year preceding the introduction. This year the deficit is reduced to Rupees 13,527, as per margin, by the extension of occupation. With Mr. Banbury I share the hope that "the deficit will ere long give place to a surplus."

13. NELLORE.—The new rates of assessment were put in force in the principal division taluks of this district for Fusly 1283. The revision of assessment then effected on the occupation of Fusly 1282 was as under:—

By Revenue Accounts ...	... ... ... ...	11,28,804	RS.
„ Settlement ...	... ... ... ...	13,00,062	
Increase... ...			1,71,258

The foregoing details are exclusive of the charge for second crop and additional assessment. Inclusive of these items, the demand of Fusly 1282 amounted to Rupees 11,67,881, and that for the succeeding year to Rupees 12,95,738; consequently, there was an enhancement of Rupees 1,27,657 on the demand of Fusly 1282 when compared with that of Fusly 1283. Particulars for the latter year are furnished below and compared with Fusly 1284. It will be seen that the result is satisfactory, the increase being Rupees 12,351:—

Taluks.	Fusly 1283.	Fusly 1284.	Difference.
1. Nellore ...	5,40,585	5,31,135	- 9,450
2. Gadar ...	2,72,285	2,79,539	+ 7,254
3. Rapur ...	86,267	93,009	+ 6,742
4. Atmakur ...	1,95,151	1,98,023	+ 2,872
5. Kavali ...	1,52,028	1,56,545	+ 4,517
6. Udayagiri ...	49,422	49,838	+ 416
Total... ...	12,95,738	13,08,089	+ 12,351

The falling off in the demand in the Nellore Taluk is not due to any less breadth of occupation, but to amendments effected, under the orders marginally specified, to the wet rates of assessment as first imposed throughout the anicut villages. The assessment of 1284 was reduced to the extent of Rupees 19,008 less than that brought to account for 1283. An increase of area under occupation, 1,084 acres in dry and 500 acres in wet, partly recouped the amount foregone.

14. It will be remembered that under G. O., No. 896, of 22nd August 1873, the increase on puttas was foregone, and all decrease allowed to the ryots for Fusly 1283. For Fusly 1284 the

Fusly.		RS.	
1282	... ... ... ...	11,67,881	increase, as directed by G. O., No. 1,333, dated
1284	... ... ... ...	13,08,089	16th October 1874, was levied gradually by increments.
Increase...	1,40,208		Compared with the total demand of Fusly 1282, the year before the introduction, the corresponding assessment of Fusly 1284 indicates an enhancement of Rupees 1,40,208.

15. During Fusly 1284 the new rates of assessment were introduced into the Sub-division taluks of Nellore with the following result:—

Taluks.	Revenue Demand of Fusly 1283.	As per introduction of new Settlement.	Difference.
Kandakur ...	2,66,585	2,73,656	+ 7,071
Kanigiri ...	35,871	40,556	+ 4,685
Ongole ...	2,79,154	3,03,302	+ 24,148
Total ...	5,81,610	6,17,514	+ 35,904

16. TINNEVELLY.—The new rates were in force for two years, Fuslies 1283 and 1284, in the Tinnevelly and Tenkasi Taluks, but no reference was made to this district in the report last submitted, consequent on the settlement of the district not then being under the Director's control. The comparison between the demands of Fuslies 1283 and 1284 shows a small increase of Rupees 1,746 as under:—

Taluks.	Fusly 1283.	Fusly 1284.	Difference.
Tinnevelly ...	3,29,782	3,30,938	+ 1,156
Tenkasi ...	1,78,048	1,78,638	+ 590
Total ...	5,07,830	5,09,576	+ 1,746

17. Great variations need not be anticipated as regards these taluks. The irrigation is

Demand of Fusly 1282 as shown in Mr. Puckle's report, dated 22nd August 1874.	RS.	
Do. of Fusly 1284 ...	5,01,369	
	5,09,576	
+ 8,207		

superior, the lands are fertile, and the rates are moderate. There is therefore no likelihood of relinquishments, nor is there any particular extent of waste to be newly taken up. The comparison with the beriz of the year previous to introduction, viz., Fusly 1282, shows a gain of Rupees 8,207 as indicated in the margin.

The usual comparative statement is appended of the settlement commutation rate determined for each district, subject to the deductions for cartage, &c., and of the prices prevailing during Fusly 1284 (1874-75). Throughout the settled districts, it will be seen that the price of each product ruled more or less in advance of the commutation rate save in respect to Varagu for Salem, in which district an average was formerly struck on the price of the dry grains taken as representative crops. Adopting the same course now, the prices returned average Rupees 119 against the commutation rate of Rupees 100. The result, therefore, is everywhere favorable to the ryot. The percentage, as regards the whole of the districts, that the prevailing prices for each grain exceeded the commutation rate, is as below:—

Paddy	...	...	...	...	...	...	...	36
Cholum	...	...	...	...	...	...	...	47
Cumbu	...	...	...	...	...	...	...	70
Raggy	...	...	...	...	...	...	...	56
Varagu	...	...	...	...	...	...	...	48

REVENUE SETTLEMENT OFFICE,  
MADRAS, 12<sup>th</sup> January/ 1876.

(Signed) C. RUNDALL,  
*As Director of Remonstrance*

Submitted to Government in continuation of Board's Proceedings, dated 12th August 1875, No. 2,262, recorded in G. O., dated 24th September 1875, No. 1,977.

2. The revenues of Fusly 1284 under the new settlement show an increase on those of the previous fusly of Rupees 44,909 and Rupees 58,744 in the Godavery and Kistna Districts, respectively. The increase over the assessment of the years preceding those in which the settlement was introduced are Rupees 4,10,073 and Rupees 5,13,462, respectively.

In Nellore, the increase by settlement over the assessment previous to settlement was large (Rupees 1,27,657), and there were smaller increases in the districts of Kurnool, Cuddapah, South Arcot and Tinnevelly.

3. In Trichinopoly, the demand under Settlement is still Rupees 1,82,638 below the former assessment, though it has risen considerably since the introduction of the settlement.

In Salem, also, the demand, though rising, is still below the amount of the assessment prior to settlement. In each of the settled tracts, the results of the year under report show an improvement over those of the preceding year.

4. The report indicates satisfactory revenue administration as far as judgment can be formed on such returns. The prices throughout the settled districts almost invariably ruled considerably in advance of settlement commutation rates, the incidence of which may consequently be confidently assumed to be light.

(True Copies and Extract.)

(Signed) C. A. GALTON,  
Acting Secretary.

Order thereon, 23rd May 1876, No. 665.

Recorded.

(True Extract.)

(Signed) D. F. CARMICHAEL,  
Secretary to Government.

#### EXPLORATION OF ARCHAEOLOGICAL REMAINS IN THE KISTNA DISTRICT.

*Proceedings of the Madras Government, Revenue Department, 24th May 1876.*

Read the following letter from ARTHUR HOWELL, Esq., Officiating Secretary to the Government of India, Home Department (Public), to the Hon. W. HUDLESTON, Chief Secretary to the Government of Madras, dated Simla, 6th May 1876, No. 817:—

I AM directed to acknowledge your letter, No. 1,564, dated the 3rd November last, regarding

the proposed exploration of certain archaeological remains in the Kistna District.

2. In reply, I am to forward the accompanying letter\* from the Director-General, Archaeological Survey, on the subject, and to say that the Governor-General in Council is pleased to sanction the disbursement of Rupees 1,000 for carrying on the explorations on the understanding that this sanction is final. There is no objection to Mr. Sewell being entrusted with the duty. He should, however, be instructed to proceed in the manner indicated by General Cunningham. All coins, stamps, seals, and minor articles of interest will, of course, be carefully collected, preserved, and described.

#### ENCLOSURE No. 1.

From Major-Genl. A. CUNNINGHAM, Director-General, Archaeological Survey, to the Secretary to the Government of India, Home Department, Calcutta, dated Agra, 6th March 1876, No. 295.

I have the honor to return herewith the bundle of papers connected with the proposed exploration of the archaeological remains in the Kistna District by Mr. R. Sewell, Acting Head Assistant Collector of the Kistna District. These papers reached me in camp just before I proceeded to Calcutta in December last, and I had intended examining Colonel Mackenzie's manuscript volumes in the Bengal Asiatic Society's Library before making my reply, as I was aware that those volumes contained a map of the site as well as a plan of the ruined Stūpa of Amaravati. Unfortunately the matter escaped my memory whilst I was in Calcutta, and I have not been able to find the notes on the Amaravati Stūpa which I made in England after examining the copy of Colonel Mackenzie's manuscript books in the Library of the India Office. I must, therefore, trust to my memory in making the following recommendations.

2. As well as I can remember the whole of the Stūpa itself has been removed, even including its foundations, so as to form a circular tank surrounded by a high mound. This mound I believe to have been formed of the rubbish and earth thrown out from the excavated stūpa, and beneath it lies the remains of the double railing which once surrounded the monument. It is, therefore, very much to be desired that the whole of this circular ring of mound should be explored, and I would recommend that the work should be begun from the interior of the circle, the whole of the excavated earth and rubbish being thrown into the central tank.

3. In making these explorations it is especially desirable that all standing stones or stone-

work in situ should be left undisturbed until the exact position of each piece and a general plan of the whole have been made by some competent surveyor. As Mr. Sewell himself seems to be fully alive to the importance of leaving such stones in their original places, the work of exploration might safely be entrusted to him, and I would most strongly recommend that the sum of one thousand rupees, which has been asked for this purpose, should be granted to him.

4. Mr. Sewell's other proposed explorations of the caves at Undavilly, of the Bhattiprolie Tope, and of the circular mound at Pidngurala seem also worthy of being carried out. But in the meantime I would recommend that a strict scrutiny should be made of all the carved stones in the town of Amaravati and its neighbourhood for some of the missing sculptures of the Amaravati Stûpa, and that impressions of all inscriptions should be carefully made, and if possible that photographs should be taken of them.

5. I remember noting in Colonel Mackenzie's map of the site a single rock, near the bank of the river above the town, labelled "Sasanam Rock." As this name suggests the existence of an edict engraved on one of the rocks, I strongly recommend that a careful examination should be made of all the rocks in the position indicated.

6. In conclusion I beg to express my opinion that inscriptions should be most diligently sought for, as it is to them that we must look for the history of the Stûpa. We already possess more than a sufficient number of sculptures to show the style of art which prevailed when the Stûpa was erected. From the sculptures Mr. Fergusson has inferred that it must have been built in the fourth century A.D. From the inscriptions on the contrary I infer that it was erected towards the end of the first century A.D. As the forms of the alphabetical characters afford a much surer criterion than the style of the sculptures for determining the date of any building, I trust that the importance of securing every fragment of inscription may be kept in mind.

Order thereon, 24th May 1876, No. 684.

As the sum asked for (Rupees 1,000) is now granted, and the services of Mr. R. Sewell are still available, as Acting Head Assistant of the Kistna District, with his head-quarters at Bez-wada, authority is given for making the excavations proposed. Mr. Sewell will profit by General Cunningham's suggestions.

(True Extract.)

(Signed) D. F. CARMICHAEL,  
Secretary to Government.

#### MR. COOKE'S REPORT ON THE DECEASED LEAVES OF COFFEE AND OTHER PLANTS FROM MYSORE.

*Proceedings of the Madras Government, Revenue Department, 2nd June 1876.*

Read the following despatch from the Right Honorable the Secretary of State for India:—

Revenue, } INDIA OFFICE, LONDON,  
No. 8. } 27th April 1876.

MY LORD DUKE,—I have to acknowledge the receipt of your Grace's despatch, dated the 9th of March (No. 4), 1876, forwarding the report of the Travancore Planters' Association on the Coffee-leaf disease.

2. I herewith transmit two hundred copies of a Report by Mr. Cooke, Sent by last Mail, of the India Museum, on the diseased leaves of Coffee and other plants which were forwarded from Mysore for examination. Copies of the Report should be forwarded to the Coffee Planters in Wynaad, the Nilgiris, and Travancore.

I have, &c.,

(Signed) SALISBURY.  
His Excellency the Right Honorable  
The Governor in Council, Fort St. George.

Order thereon, 2nd June 1876, No. 750.

Ordered that the Reports referred to in paragraph 2 of this despatch, when received, be forwarded to the Conservator of Forests for distribution as desired by the Secretary of State.

(True Extract.)

(Signed) D. F. CARMICHAEL,  
Secretary to Government.

#### COMMERCE AND NAVIGATION BETWEEN THE UNITED KINGDOM AND FRANCE.

*Proceedings of the Madras Government, Revenue Department, 6th June 1876.*

Read the following letter from C. J. LYALL, Esq., Under-Secretary to the Government of India, Department of Revenue, Agriculture and Commerce, (Commerce and Trade,) to the Hon. D. F. CARMICHAEL, Secretary to the Government of Madras, Revenue Department, dated Simla, 24th May 1876, No. 214:—

I AM directed to forward the accompanying copy of a despatch (No. 29, dated the 12th April last) from the Secretary of State for India giving cover to copy of a communication from the Foreign Office regarding the representations it will be desirable to make in the interests of India to the French Government in the approaching negotiations for a new treaty of

Commerce and Navigation between the United Kingdom and France; and, with reference thereto, to request that, after consultation with the Chamber of Commerce at Madras and such local firms doing business with France as it may be considered desirable to consult, the Government of India may be favored with an expression of the views of His Grace the Governor in Council on the subject.

2. I am to request that a very early reply may be submitted.

ENCLOSURE No. 1.

Despatch from the Right Honorable the Secretary of State for India.

Statistics and Commerce, } INDIA OFFICE, LONDON,  
No. 29. } 12th April 1876.

MY LORD,—I transmit, for the information of your Excellency, a copy of From Foreign Office, a correspondence with the Foreign Office on the subject of the representations 9th March 1876, (with enclosures.) To Foreign Office, which it is desirable to 11th April 1876. make, in the interests of India, to the French Government in the approaching negotiations for a new Commercial Treaty between the United Kingdom and France.

2. You will observe that I have expressed a general opinion that it is desirable to obtain the utmost facilities which can be granted for the admission into French ports of Indian produce and manufactures, free of duty. An important increase may be expected to occur in the direct trade with France, as one of the results of the opening of the Suez Canal, and it will be for your consideration to what extent the interests of India and the interests of your revenue might be consulted by alterations in this direction.

3. I shall be glad to be favored, as early as possible, with the views of your Government on the question generally, and in regard to any special details connected with either trade or navigation which you would wish to have represented to the French Government.

I have, &c.,  
(Signed) SALISBURY.

His Excellency the Right Honorable  
The Governor-General of India in Council.

ENCLOSURE 1 in No. 1.

From T. V. LISTER, Esq., to the Under-Secretary of State for India, dated 9th March 1876.

I am directed by the Earl of Derby to state to you, for the information of the Marquis of Salisbury, that it is expected that communications will very shortly take place with the

French Government with the view to the conclusion of a new Treaty of Commerce and Navigation between this country and France.

2. The existing Treaties and Conventions of 1860, 1873, and 1874, of which copies are here-with enclosed, will remain in force until the 30th of June 1877; but the two Governments are of opinion, in the present state of commercial relations between European Powers, that it is advisable that they should enter into communication, in order to come to an understanding as to the future Treaty engagements between the two countries in matters of commerce and navigation.

3. It will be perceived that the arrangements made in 1860 are limited to the United Kingdom and to France and Algeria, and do not extend to the possessions of the other Power except in regard to Australian wool and to Indian cotton and jute. And, further, that the Treaty of 1873 places British and French vessels on a footing of equality in all navigation.

4. I am to request that you will move the Marquis of Salisbury to give this matter his early attention, and to inform Lord Derby, as soon as possible, what representations he would wish to be made to the French Government in matters affecting Indian interests in the approaching negotiations with France.

5. I am, at the same time, to point out that, when stipulations are made wth foreign countries in favor of British possessions, those possessions may have to be bound by the engagements entered into by Her Majesty's Government in matters relating to the United Kingdom.

ENCLOSURE 2 in No. 1.

From Sir LOUIS MALLET, C.B., to the Under-Secretary of State for Foreign Affairs, dated India Office, 11th April 1876.

In reply to your letter of the 9th ultimo, I am directed by the Secretary of State for India in Council to say that, in his opinion, it is very desirable that, in the anticipated negotiations with the French Government for a new commercial treaty, an endeavour should be made for the admission of the raw produce and manufactures of India into French ports free from duty, to the utmost possible extent.

2. The question is, however, one on which it is necessary to consult the Government of India, to whom your letter will at once be forwarded.

Order thereon, 6th June 1876, No. 756.

Referred to the Board of Revenue for report after communication with the Collectors of some of the more important coast districts and the

Chamber of Commerce and some of the leading firms doing business with France.

2. It is observed from the volume of the Trade and Navigation of the Madras Presidency for

**Exports. Imports.**

	Rs.	Rs.
Ganjam ...	6,92,350	596
Vizagapatam... 17,45,711	831	
Godaverry ...	10,08,411	8,353
Kistna ...	75,434	...
Tinnevelly ...	89,998	...
South Canara. 5,89,484	2,052	
Malabar ...	42,84,613	40,090
Total... 84,86,001	51,924	

margin; and that the value of imports and exports of Merchandise and Treasure from and to Pondicherry and British Indian Ports amounted to Rupees 4,03,013 and 2,87,561; the trade with Mahé and Karikal being comparatively insignificant. It is requested that in submitting the report here called for, the Land Customs revenue may be taken due note of. The revenue from this source amounted, in 1874-75, to Rupees 2,64,287, and showed an excess of Rupees 44,974 over that of the previous year, which is said to have resulted solely from the importation of goods into Tanjore, via Karikal, instead of Nagore.

3. The Board will observe that the Government of India called for a very early report on the subject. The Board's early attention is, therefore, requested to it.

(True Extract.)

(Signed) **D. F. CARMICHAEL,**  
*Secretary to Government.*

## MISCELLANEOUS.

### CINCHONA.

The medicinal Cinchonas are all natives of South America, and are there confined to a comparatively narrow belt of the Andes extending from 10 degrees N. to 20 degrees S. latitude. The most valuable species are found within the territories of New Granada, Ecuador, Peru, and Bolivia, the Governments of which States have for a long time derived a considerable revenue from the bark exported to Europe. But with the usual shortsighted policy of Governments where matters of Forestry are concerned, they have never made any efforts whatever to control the operations of the bark collectors, so as to ensure a continued supply of bark. The Cascarillados, as these collectors are called, were (and are still) used not only to sell immature

trees, but even to dig them up by their roots for the sake of the rich red bark. The Governments however regarded the cinchona forests as "practically inexhaustible;" a familiar phrase this in the early days of Indian Forest management, and were too lazy to institute measures of conservancy. The inevitable consequence of all this was that the trees in easily accessible places having been felled, bark began to get scarce and Quinine to rise in price. The Dutch Government are large consumers of Quinine in their Colony of Java, and they began to get alarmed at the increasing amount of their bills for that medicine. They accordingly determined to grow their own cinchona bark, and with this view they sent in the year 1853, a botanical collector to South America, charged with the duty of collecting seeds and seedlings of the best medicinal species and of taking them to Java. The gentleman who undertook the mission was apparently successful, for towards the end of 1854, he landed in Java with a large quantity of young cinchona plants. But as it ultimately turned out, his success had been more apparent than real, for after these plants by time had been increased to about a million, the Dutch discovered that they were of the wrong sort and that their bark contained but little Quinine. Six years later, our own Indian office organised a collecting expedition to South America, which was more successful than the Dutch one, and by the end of 1862, cinchona plantations had been begun on the Nilgiris and in British Sikkim. The new cultivation was eagerly taken up by coffee planters in the Nilgiris and Wynad, who planted belts of cinchona along the roads on their estates, and in some cases devoted special tracts of land to cinchona cultivation alone. The same sort of thing was done, but to a much more limited extent, by the Tea planters of the Darjeeling district. In that district however, only one private garden entirely devoted to cinchona has ever been formed. Later in the day, the Coffee planters of Ceylon took up cinchona as an adjunct to their coffee, which began to be threatened with serious damage from leaf disease, and so well has the cultivation answered in that Colony, that there are at present estimated to be about 3,000 acres under cinchona. The medicinal cinchona barks are of three sorts, known as *red*, *yellow*, and *pale*. These are respectively the produce of *cinchona succirubra*, *calisaya*, and *officinalis*. All three are plants which cannot be grown on any part of the plains of India. They require a cool climate, but cannot stand frost, and they positively decline to grow on flat land anywhere. An equable climate with a mean annual temperature of 65° to 70° Fht. suits them best. But the minimum temperature during the year must not fall much below 40° Fht. nor the maximum rise much above 80° Fht. These conditions will be found in India at elevations varying

from 2,000 to 7,000 feet above the sea according to latitude. With regard to rainfall, cinchonas are rather accommodating. Provided the drainage be good, they will thrive where the fall is even 150 inches a year. The red bark trees will on the other hand, if the moisture is pretty equally distributed over the year, get on very well with an annual fall of as little as forty inches or even less. In the matter of soil, cinchona need not be tried in any situation where the subsoil is stiff and retentive of moisture. A free open surface soil rich in humus, suits all the species very well. In the Nilgiris, the basis of the soil is decayed gneiss: in Sikkim it consists of the *detritus* both of that rock and of *mica schist*. Of the three species, *officinalis* stands cold best; *calisaya* and *succirubra* get on better at lower elevations, but the bark of both the latter, if grown below 2,000 feet, is apt to be poor in Quinine.

Cinchona seeds are flat, thin, and very light. If not very carefully sown they are apt to rot. The best way to treat them is to strew them on the surface of well prepared beds of fine vegetable mould, and to cover them merely with a fine sprinkling of sand. If buried in the soil, the seeds are almost sure to decay. The seed beds should be carefully watered by a very finely-drilled garden syringe; and deluging should be carefully avoided. When the seedlings have got a couple of pairs of leaves, they should be transplanted, and picked out in nursery lines at distances of  $1\frac{1}{2}$  by 2 inches. In these nurseries, the plants should remain until they are about 4 inches high, when they will be ready for transplanting a second time, at distances of 4 by 4 inches. The seed and nursery beds should be protected by a sloping thatched roof from 3 to 5 feet high. As soon as the plants are 9 to 12 inches high, they should be transplanted for the last time into the open ground where they are permanently to stand. By this time, they will be about a year old. The final transplantation should be carried on in moist, dull but not very rainy, weather. No shading is as a rule necessary after this final transplanting. Red bark is more easily propagated by cuttings than by seed: *calisaya* on the other hand is difficult of propagation by artificial means; but as the species is very variable as regards the quality of the bark, and as it is extremely liable to sport (*i.e.*, not to come true to seed) seedlings cannot be relied on as likely with any certainty to possess the qualities of their parents. Cinchona has been successfully grown in Sikkim, the Nilgiris and Ceylon. It has done moderately well on the Tiunevelli and Shevaroy ranges in Madras, as also in British Burmah and the Khasia hills. On the other hand, it has more or less failed in the Wynnaad, Ganjam, Mullunmudi hills, Coorg, Travancore, Pulneys (?), Mahabaleshwar, N. W. Himalaya, and Kangra valley.—*The Indian Agriculturist*, Vol. I, p. 90.

### THE CAMPHOR-TREE.

The wasteful manner in which the camphor of commerce has hitherto been obtained, certainly gives reasonable grounds for the belief which is very generally entertained that the trees which yield this valuable product, will at no distant date be exhausted in the places to which they are indigenous, unless measures are in time taken for introducing their cultivation into new and suitable localities and for bringing them under some strict system of conservancy, which shall ensure a regular succession of trees to be periodically operated upon. The reproduction of the tree is believed to be attended with but little difficulty; and, as new industries are being gradually developed and new products of economic value are being extensively introduced, it seems to be well worth a careful trial whether the cultivation of the camphor tree might not be successfully established in the peninsula of India.

The camphor tree flourishes in the northern parts of the island of Sumatra, where it is indigenous, but is not to be found to the southward of the Line nor yet beyond the third degree of north latitude. It propagates itself among the mountains and in the woods lying near the sea coast and needs no cultivation. It is straight and extraordinarily tall and has a gigantic crown, which overtops the largest trees around it by a hundred feet or thereabouts. The stem is sometimes twenty feet in girth. The tree comprises three varieties, which can be distinguished at a glance by the external colors of the bark, which is sometimes yellow, sometimes black and often red. The leaves are small, of a roundish, oval shape and of a dark green color, besides being hard and tough and with a strong smell of camphor. The fibres run straight and parallel to each other and terminate in a remarkably long and slender point. In outward form the fruit is very like the acorn, only it is surrounded with five petals, which are placed somewhat apart from each other and give it some resemblance to a lily. The fruit is always impregnated with a strong flavor of camphor and is eaten when it is well ripened and fresh. The amazing height of the tree hinders its regular gathering; but when the tree yields its fruit in March, April and May, the collection of it commences.

The camphor is found in the concrete state, in which we see it, in natural fissures or crevices of the tree, and in the knots and swellings of branches from the trunk, but of which it exhibits no indications externally. Consequently, the people, who are employed in collecting it, either make deep incisions into trees or even cut them down almost at random, until they come upon a trunk, which contains the aromatic resin. It is said that not a tenth part of the number of trees felled is found to contain either camphor or even camphor-oil, which is less rare, and that parties of men are sometimes engaged

for two or three months together in the forests with very precarious success. This scarcity tends to enhance the price of the substance. When a tree containing camphor is cut down, it is divided transversely into several blocks, which again are split with wedges into small pieces, from the interstices of which the camphor in grains and scales is extracted. The substance which comes away readily in large and almost transparent flakes, is esteemed the prime sort or head; the smaller and clean pieces are considered the belly; while the minute particles, chiefly scraped from the wood and often mixed with small bits of it, are called the foot, according to the customary nomenclature adopted in the assortment of drugs. The process observed in freeing the camphor from foreign substances and other impurities is to steep and wash the crude article in water, sometimes with the aid of soap. It is then passed through sieves or screens with meshes of varying sizes to assist in its assortment, so far as it depends upon the size of the grains. Much, however, of the selection is also made by hand; and particular care is taken to distinguish from the natural camphor the article that is produced by an artificial concretion of the essential oil.

Doubts were once entertained whether the oil and the dry crystallised resin were simultaneously yielded by the same individual tree. Although the oil and the resin are often found in separate trees, the same tree has as often been known to contain both together. The people of Sumatra often pour the oil of inferior camphor trees into a log of wood with natural cracks in it and expose it to the sun daily for a week, by which time the oil acquires the consistency of genuine camphor, though it is universally considered to be the worst quality of the resin. It is conjectured that, as the tree advances in age, a greater proportion of this essential oil takes a concrete form, for it has been observed that even when the fresh oil has been allowed to stand and settle, a sediment of camphor is deposited at the bottom of the vessel; consequently, the yield of camphor depends mainly upon the age of a tree. The quantity varies from half a pound to sometimes four or five pounds per tree.

It is believed to be very unhealthy to remain near the camphor tree during the flowering season because of the extraordinary heat exhaled from it during that period. At the time the camphor is gathered—that is, during the cutting down of the trees—the oil, which then drips from the cuttings, is caught in considerable quantities. It is seldom brought to market, probably because the price and trouble of carriage are not sufficiently remunerative. It is so fine that a paper saturated with it and held near a flame, catches fire immediately and burns till the oil is entirely consumed. It is a very volatile essential oil, holding in solution a resin which on a few days' exposure to the air is left in a syrupy

state. It also yields a small quantity of crystallized camphor on distillation through a very rough extempore process. Camphor is largely used in China for embalming; and an inferior quality of it is sold for medicinal purposes in the bazaars of India. The oil has sometimes though rarely found its way into the London market. The fruit, prepared with sugar, furnishes a tasty comfit or article of confectionery. The oil is used as a popular remedy for rheumatism and is rubbed over the affected part. It may also be used as a fragrant, quickly drying and well bodied varnish, but it should be rabbed dry like French polish.

The price of the second quality of camphor in 1870 was, on an average, 8*l.* 13*s.* 3*d.* per cwt., and the quantity imported into Great Britain in that year aggregated 12,368 cwts., valued at £45,249. The imports of the first quality amounted to 2,361 cwts., valued at £14,496, giving an average price of 6*l.* 2*s.* 10*d.* per cwt.

The wood of the camphor-tree is in much esteem for carpenter's purposes; being, besides light and durable, also easy to work and not liable to be injured by insects. It is, however, said to be more affected than most other timbers by atmospheric changes. Furniture made out of it in Chiua is much prized, as the wood keeps off insects. The best description of charcoal for smith's work is made from this wood.

The tree, which produces Camphor in Sumatra and also in Borneo, has been named *Dryobalanops camphora* by Colebrooke, though Roxburgh has called it *Shorea camphorifera*.

A species of camphor is also produced in Japan from a tree growing in abundance there. It is known to botanists by the name of *Laurus camphora*, and is of a different character altogether from the tree found in Sumatra and Borneo. According to Kämpfer, the camphor in Japan is extracted by distillation from the wood and roots of the tree, cut into small pieces; and the form of the lumps, in which it is taken to the market, clearly shows that the substance has really been subjected to some process. This camphor evaporates till it wholly disappears; but, at all stages of its diminution, retains its full proportion of strength, which does not seem the property of an adulterated or compounded body. Camphor is also manufactured very extensively in China, where the island of Formosa is the chief seat of the industry. The tree yielding is described as an evergreen shrub and is probably of the same or a similar species as the *Laurus camphora* or camphor laurel of Japan.

We should be glad to see some experiments tried with the cultivation of both the Sumatra and Japan trees in suitable localities in the Peninsula, and, if as both are described to be rough and hardy and easy of propagation, they are in time acclimatized here, their introduction will tend to the establishment of a new and valuable industry among the people of India.—*Idem*, p. 153.

## THE COCHINEAL INSECT.

ALTHOUGH the discovery of the aniline dyes has to a great extent superseded the use of cochineal and reduced its commercial value, the splendid carmine dye yielded by the insect has not yet been completely driven out of the market, and it may therefore be of some interest to give an account of its habits, and of the methods by which it is propagated. The tribe of insects from which the cochineal dye is obtained, is known under the name of *coccina*, which lives and feeds upon the leaves of certain species of the cactus, namely, the *Opuntia coccinellifera* and the *O. tuna*. The male of the full grown cochineal insect (*Coccus casti*) has two dark wings, the antennæ ten times articulated, and two long tail bristles. The body is of a crimson color. The female is of the same color, but covered over by a white film. The native country of this species is Mexico, whence since 1526 it has, after being dried on sheets of hot iron, formed a very important article of export. Till the year 1725 the breeding of the insect was entirely confined to Mexico, and the Government with the greatest care kept it a secret. Before that period it was generally believed in Europe that the cochineal was not an insect, but a kind of seed. Acosta was the first who pointed out the animal nature of the dye. In the year 1785, Thierry de Menonville, a Frenchman, with the greatest danger to his life, brought away a few living insects to French Domingo, where they were soon acclimatised. In 1827 they were introduced into the Canary islands, and later still, with the best results into Corsica, Spain, Algeria, Java, and finally, into Teneriffe. In Mexico the insect is found at all times, with the exception of the rainy season, in different stages of development, on the *Opuntia*, locally called "Nopal"—the plant being sometimes completely covered with its white excretions. Entire plantations of this cactus have been known to be killed off by the large numbers of insects which infest the surface of the plants, and suck them dry of their sap. The female insect uses the white web-like substance to deposit her eggs therein, very soon after which she draws off her proboscis from the surface of the plant, falls to the ground and dies. Eight days after, the young larvae appear resembling their mother, but showing a covering of very fine, long bristles. During the first fourteen days, they cast their skins several times and attain their full size. The male larva then spins a cocoon of the white fibre, open at the hind end, and rests in it, transformed into a chrysalis, during eight days. Being then fully grown it begins without loss of time to search for a female and dies very shortly after coition. The female lives a fortnight longer, busy in depositing eggs. A whole generation of these insects comes into existence and passes out of it in the brief period of a few weeks. Considering the short

period required for the development of a generation, it is evident that several generations are produced during a single season. Mr. Bouche, the Director of the Botanic Garden at Berlin, succeeded in raising in his stove-houses four generations of cochineal in succession by keeping up a temperature of 72 degrees Fahrenheit.

The cochineal planters in Mexico collect, before the setting in of the rainy season, a quantity of the branches of the *Opuntia* plant with the brood on them, and place them in sheltered parts of their houses. The insects remain alive on the leaves, which continue succulent for a long time. The rainy season being over, the insects on the branches are again distributed over the plantations. The Mexicans also collect another sort of cochineal which is known as *Grana sylvestra* from the wild growing *Opuntia cactus*, and, though belonging to another variety of *coccina*, is believed to be capable of being harvested more frequently. When Mexico was alone producing this valuable coloring matter, 880,000 pounds of it, estimated to be of the value of about £640,000, were annually exported to Europe. In South Spain and in Teneriffe, since the vine disease appeared, the *Opuntia* cactus has been cultivated; and in 1850 they exported nearly 800,000 lbs. of cochineal. Now as it has been ascertained that about 70,000 of these insects go to make up the weight of one pound, it is easy to guess what immense quantities of them must be annually reared to meet the demand for cochineal. The packages in which cochineal is exported by the Spaniards, consist of green bullock hides with the hairy surface inside.

On examination the cochineal of commerce shows the insect shrivelled up to the size of a small pea, the outside of a dark brown color, the inside dark purple and more or less covered by a silvery grey dust. The coloring principle of the cochineal is said to retain its properties for more than a hundred years. When soaked in warm water, the legs and antennæ may be easily recognised. According to its native country and the different methods in which it is treated, the cochineal is called either *grana*, or, when of the finest quality, *mestica*, from Mestique in Honduras, where it is produced. The inferior quality is *Crana sylvestra* or *Gapesiana*, and consists of smaller sized insects. *Renegrida* is the cochineal of insects killed by immersion in hot water and stripped of their white covering. *Jaspeada* comprises every sort in which the white dusty coloring is preserved. Finally, *granula* is cochineal much damaged in transit, in fact an article inferior in every respect. Professor Pereira, in his *Materia Medica*, has distinctly stated that the adulteration of cochineal was some time ago very extensively carried on in London. By being moistened with a solution of gum arabic and shaken in a box, first with sulphate of baryta and then with powdered animal charcoal, cochineal of

inferior quality could be made to acquire the appearance of the first class article and to increase its specific weight from 1·25 to 1·35. Talc and plumbago powder were likewise used to give the cochineal a beautiful silver-grey appearance. But these different methods of adulteration may be easily detected by the aid of the microscope.

The carmine or real coloring principle of the cochineal is obtained by treating it first with ether for the purpose of removing animal grease, and then with boiling alcohol, which entirely draws the color away.

The *Opuntia tuna* and *O. coccinellifera* have been successfully introduced into Australia, where they are growing luxuriantly at Adelaide; and it is believed that the cochineal insect can also be naturalised there, if, during the rainy season, it is properly sheltered, as in Mexico.

Although according to Dr. Lindley "America is the exclusive station of this order, (cactaceæ) no species appearing to be a native of any other part of the world, several species of it, including many varieties of the *Opuntia*, must at a very early period have been introduced into India, where it is now naturalised and growing in wild profusion in the jungles. The *Opuntias* produce large, oval formed, thick, flat leaves, one from the edge of the other and usually covered with sharp bristles arranged in the shape of stars. Sometimes they bear large golden yellow flowers of metallic hue.

The cochineal insect has been long and generally known to be indigenous or acclimatised in most parts of India; but its produce has always been erroneously regarded as so inferior in quality as to be wholly unfit for conversion into an article of commerce.

Dr. T. E. Dempster, of the Indian Medical Service, in an interesting paper which he communicated to the Agri-Horticultural Society of Calcutta (see Journal, vol. ix., pp. 190-201) stated his opinion that the female insect agreed in all essential characteristics with the description given by Cuvier of the true Mexican *Coccus cacti*. The size, however, was smaller. It was distinguished from the female *kermes* by preserving in its advanced stage the distinct form of an insect and never becoming a berry or gall. The Indian *coccus*, according to Dr. Dempster, is found only on the common cactus or prickly pear, and is surrounded by a quantity of fine cottony matter, into which the female deposits her eggs. It was pronounced beyond all doubt to be a true *Coccus cacti*. After several experiments, Dr. Dempster formed his opinion that the coloring matter of the *coccus* found about Loodhiana in the Punjab was "equal in quality to that of the Mexican cochineal."

Attempts were made to cultivate the cochineal in the Government Botanical Gardens, Calcutta,

where a brood of the Mexican insect was placed on a large field of the cactus plants, and also in the Agri-Horticultural Society's Gardens. But, in both cases, the experiment was abandoned for no reason that can now be ascertained. Dr. J. McClelland remarked of the color produced by Dr. Dempster from the Indian insect, that nothing could be "finer or more beautiful."

As the cactus grows wild in most parts of India, we do not see why the manufacture of the cochineal should not become a local industry, which must become quickly remunerative wherever both the insect and the cactus, on which it feeds, are found to be indigenous or susceptible of easy cultivation.—*Idem*, p. 155.

#### TUSSER SILK.

(Continued from page 192.)

From enquiries made in 1873 by the Bengal Government, much further information regarding Tusser was then elicited. In the Burdwan division, it appeared that the raw tusser silk was actually produced only in Midnapore and Bancoorah, and to a very trifling extent in Howrah, where the small quantity produced is converted into fishing lines. The silk is woven in Burdwan and Beerbhoom, though the cocoons for the first named district are procured from Chota Nagpore and Keonghur, and for the second named district from the jungles of Sonthalia. In the Hooghly district, where no silk is manufactured, the insect is occasionally found in a wild state.

Tusser silk cocoons are collected from the jungle in Bancoorah and Midnapore—a certain portion of them being kept for seed in Bancoorah only. The cocoons are hung up on thin dry twigs in the houses of the people who collect them. After a time the moth issues forth; the male flies away, while the female remains and is put away at night on the leaves of the sal and asan trees, where the male impregnates her. The next day, the female moth is taken back to the house, where, in a very short time, she lays her eggs on sal or asan leaves spread down either in earthen pots or in small covered baskets. When the eggs are hatched the caterpillars are placed on the leaves of the same trees and carefully watched and tended. Sometimes the caterpillars are daily carried backwards and forwards to be fed in the jungle; and in other cases the worms are allowed to remain altogether on the trees in enclosed clearings within the jungle. In every case they are carefully watched. It is probable that wherever the worms are reared, the moths lay eggs in captivity. It does not appear that eggs are ever collected from the jungle in Bancoorah. In Midnapore the eggs are preserved by the people and tended till they become worms, when

they are released among the trees upon which they feed. To collect cocoons is a task of far greater ease than to collect eggs in the jungles. Wherever the worms may have been reared, the moths must have previously laid the eggs in captivity.

The eggs of moths, obtained from wild cocoons, even when laid in captivity, are considered to be undoubtedly fruitful, so also are the eggs of the moths that have altogether been bred in captivity, that is to say when the moths have been hatched as worms and have spun their cocoons in the captive state. These moths are said to yield three outturns of cocoons in a year. Eggs produced in captivity from the moths of the first two outturns are fruitful; but the moths of the third outturn do not lay eggs if kept under restraint. It is thus apparent that the attempt to entirely domesticate the tusser silk worm will be attended with some difficulty, although the failure of the third outturn of moths to produce eggs may, of course, be attributable to the want of proper treatment. The cocoons, however, which are spun and woven into cloth in the Beerbhoom district, are said to be obtained from the Sonthal pargannahs, "where they are produced under a regular system of breeding. The cocoons are for the most part produced from eggs laid and hatched by moths in a state of captivity." It is probable that the breed of moths is renewed from the jungle, where females born in captivity are put out to be impregnated by wild males. Besides the particular trees mentioned before, to which it is supposed to be partial, the tusser-worm feeds on a very considerable variety of other trees.

No satisfactory estimate can be formed of the quantity of cocoons annually collected in the several districts of the Burdwan division. In Bancoorah, the quantity collected is considerable, as the cocoons are found in large numbers nearly throughout the whole district. The industry is probably more limited in Midnapore, though even there it is said by competent local authority to be deserving of more consideration. In the Midnapore district it is the custom to pay the Zamindar eight annas or twelve annas per head for the right to collect; while cocoons may be collected in the jungles of the Bancoorah district free of any payment whatever. In the Bancoorah district "those enclosures where the tusser production is specially watched," are estimated to comprise an area of about a thousand bengals. It is not apparent whether any systematic cultivation of the worm on an extensive scale is carried on in any other district of the Burdwan division. Although the Sonthals appear to be chiefly engaged in this industry, other low castes also employ themselves in collecting cocoons. The people who collect the cocoons, also rear the tusser-worms. Women are even now, as in the time of

Dr. Buchanan, rigidly excluded from taking any part either in collecting or rearing. In the Bancoorah district, as in Bhangulpore, the process of rearing the silkworm is attended with some curious superstitions observances. The cultivators are prohibited from touching fish or flesh and from the company of their wives from the time the eggs are laid till the cocoons are formed. During the same period they cannot touch the trees without previously purifying themselves by a bath. No pregnant woman is allowed to approach either the worms or the eggs. In some places, the silk, wound off from the cocoons, is sold to the weavers at from six to eight tolas for the rupee. In other places, the weavers buy the cocoons from the rearers, wind off the silk and weave it into cloth for sale. A tree, when cultivated, is said to have yielded 160 cocoons annually.

The cocoons are boiled for about two hours in water mixed with ashes. The outer coating then being removed, four or five cocoons are placed in a pot of water and the silk from them is wound off at once round a rude instrument called a *lathi* or reel. In Burdwan one thousand to twelve hundred cocoons yield a seer of the best tusser silk, which is valued at from Rupees 8 to 10. In Beerbhoom it takes one and a quarter seer (of 60 tolas) to weave a piece of tusser silk ten yards long, which, if of the best quality, would realise a price of twelve rupees. Here, three kinds of cocoons are brought for sale; and the quantity required for a piece of cloth is produced from the following number of cocoons according to their different kinds:—

	Cocoons.
Northern	... ... 1,280.
Western	... ... 960.
Southern	... ... 800.

Although raw tusser does not appear to be actually produced in any part of the Burdwan district, yet tusser cloth is manufactured there to a considerable extent at Sonamookhee, Patroshair, Mancoor and Bagtikoree. At the first three places a brisk trade, it is said, was formerly carried on with merchants from the upper provinces, chiefly in *kootni* cloth, which is manufactured from silk, tusser and cotton. Although the peculiar demand for *kootni* cloth has been interrupted by the competition of European stuff, it is believed that the demand for all other sorts of tusser fabrics has largely increased.—*Idem*, p. 158.

(To be continued.)

#### CINCHONA GARDENS IN DARJEELING.

The gardens at Poomong in the Darjeeling Hills measure some 2,000 acres, of which about 1,800 acres are under cinchona; mostly red bark. The estate is freehold, and formerly

much larger, but the proprietors sold large areas to tea planters; and the Gielle Tea Company and the Teesta Valley Tea Association and the Jinglam Tea estates have been formed on the spare lands of the Darjeeling Cinchona Association. The present owners of this large cinchona garden, Major General Angus and Mr. Lloyd, have spent a large amount of money on the estate, which was commenced some fourteen years ago, and up to date have received no return. The Government has larger cinchona gardens alongside, and may be said to have swamped private enterprise. Any way we learn that the Superintendent of the garden has received orders to cut down the trees and send the bark to the London market. The trees are to be destroyed so as to get the bark from the roots, said to be rich in alkaloids; and the land is then to be put up in small lots for public sale among the tea planters. In this way the owners expect to get back the Rupees 325,000 they have spent; though they will never see the interest of the money they have been spending all these years. It seems a pity to destroy what has cost so much time and money. One would have thought that these gardens, which had been made far cheaper than any others in India, and were a great success, would have paid well: but it seems that cinchona is not a paying speculation.—*Darjeeling News.*

We understand that Darjeeling Cinchona is now being practically tested in our General Hospital.—*Ed. R. R.*

#### SIR SALAR JUNG.

The career of a native statesman in India does not attract the attention of the multitude at home, unless his name happens to be associated with some Imperial measure, in which case he is seldom favourably mentioned. As long as he is engaged in the Government of some Native State, improving its condition, directing its internal economy, and regulating its finances, he is only known to the Indian Government and its servants, and he is generally all the better for his obscurity. But from the time that Poorneah won the admiration of one of the ablest of our own statesmen down to the present moment, the Native States of Hindostan have rarely failed to produce administrators of marked ability. The visit of the Prince of Wales has produced many results which were not foreseen by the most sagacious observers at home or abroad. It is likely to leave an indelible mark on the history of the relations between England and India. Had that tour never been undertaken Sir Salar Jung would, in all probability, have come to England; but he would have appeared among us in different, and, in all likelihood, in less agreeable circumstances. Eminent as his services have been, and remarkable as his career has been, there are many thousands who ask, "Who is Sir Salar

Jung?" And there are many thousands who have never heard of his name. It was a revelation to millions, indeed, to hear that there were still Native States in India with Courts, Ministers, and Armies of their own. We fear that there are some, even among the educated classes, who would be puzzled to give a very definite account of the Deccan, or to describe the territories of the Nizam, and the nature and relations of the State and of its ruler with the British Government. Had the Deccan been involved in the troubles of 1857-8, as Gwalior and Indore were, we should, no doubt, have been acquainted with the particulars, but the services which were rendered to the British Government at that eventful period were of the utmost value and magnitude, although they, fortunately, did not need to be written in characters of blood. The Deccan extends over nearly 100,000 square miles, and is peopled by 10,000,000 inhabitants, of whom the vast majority—probably nine in ten—are Hindoos. The soil is generally good and produces cotton in abundance. Coal and iron mines have been discovered, and the great rivers Kistna, Tumbudra, and Godavery drain the vast plateau which forms the bulk of the land and open it to the Eastern and Western Oceans. The first Nizam established friendly relations with the English Governor of Fort St. David in 1747, which were generally maintained in the wars with the French and their allies, and, although for a time the ability and genius of Bussy secured the ascendancy of his council and influence at Hyderabad, the troops and resources of the Nizam were placed at our disposal in the campaign against Tippoo in 1791, and in the struggle with the Mahrattas, and the alliance has continued to the present day. In 1853 Sir Salar Jung was appointed to succeed his uncle Seraj ool Mook, as Dewan to Nasir-ool-Dowlah, who had just been forced by Lord Dalhousie to assign to the superintendence of the British certain rich districts to secure the payment of debts alleged to be due for the pay of the Contingent which was kept up in accordance with the Treaty by the Deccan. He was only 19 years of age, and the condition of the State was one which might have appalled the boldest and most experienced of statesmen.

There was no money in the Treasury—the system of taxation was wasteful and unproductive. Although the Residents at the Court of Hyderabad had been for many years possessed of paramount power, they applied their energies to the sole object of securing British interests, and did not interfere in the internal affairs of the State with a view to their improvement. In fact, as long as the enormously expensive Contingent was paid, they cared little for the manner in which the money was raised. Armed bands, miscalled soldiery, carried terror and dismay through the country, and created disturbances and riots in the towns at their plea-

sure. Hyderabad was a hot-bed of turbulent fanaticism. Arab mercenaries and Rohillas, ever ready for mischief, paralyzed the arm of law and order, blighted trade and commerce, and threatened at any moment to require the attention of the Governor-General, at that moment Lord Dalhousie, whose methods in such cases were terribly earnest. Salar Jung began his work by refusing to draw more than half the salary of his office, and his example was followed by the other servants of the State. He put an end to the system of farming the revenues; he discouraged the immigration of Arabs and Rohillas, and set to work to strengthen the hands of the police, and to obtain some degree of security for property and life. But while he was engaged in this Herculean task there came upon him a trial, the tension and force of which can never be understood by a European and a Christian. He was a Mahomedan, and he served a Mahomedan State. The Power which had destroyed the rule of Mahomedan and Hindoo alike was in the utmost peril. The Mutiny and Rebellion had spread over India, and the Governor of Bombay probably told no more than the truth when he telegraphed to the Resident at Hyderabad—“If the Nizam goes all is lost.” But the Nizam did not go. Salar Jung, surrounded by armed crowds, who threatened and reviled him, held fast to the British Government. He held the control with a masterly hand, arrested and delivered over to punishment the rioters who attacked the Residency, and inspired the Resident with such a conviction of his ascendancy and fidelity that he ordered the Hyderabad Contingent to join the British forces, with whom it rendered the most signal services. It would be foolish to pretend that in his efforts he had the sympathy of the Mahomedan populace, and that he did not encounter opposition and enmity. His merit is that he rose superior to the prejudices and passions of his co-religionists and countrymen, and that at the loss of his own popularity, and at the risk of a violent death, which more than once well-nigh befell him, he resolved to stand by the Power, even when it seemed at its death-gasp, which had given some sort of peace to Hindostan and promised to guarantee its future prosperity and advancement in the ways of modern civilization.

When the rebellion was put down Salar Jung set himself to work at the rest of his self-allotted task. Associated with his co-Regent, the Ameer-el-Kabeer, the very able man who jointly with him is charged with the direction of affairs during the non-age of the boy Nizam, he has developed in the Deccan such enterprise and secured such a measure of peace and progress as have never been witnessed in India since the golden days, and the model rulers of whom the poets and historians tell such marvellous, if not apocryphal stories. Roads have been made or restored, tanks built, wells dug, irrigation

works—matters of the first necessity—renewed or created, railways made and planned; an efficient police gradually introduced and extended, schools founded, education fostered, the Arab Chiefs restrained or converted to the cause of order, the irregular soldiery suppressed, the Rohillas disbanded, and Hyderabad so tranquillized that the members of the Prince’s suite who visited it were treated with the utmost civility. It may possibly be that they could not detect much pleasure and friendliness in the glances which they encountered. But we should remember that an Egyptian officer charged with the superintendence of certain work on board one of the Khedive’s ships in the Thames, who took up his abode at Limehouse, found it necessary after a time to lay aside his fez and put on a hat, in order to avoid the jeers and occasionally the more material proofs of dislike of the Christians of that religious district; so that we need not be surprised if the same sort of illiberality existed at Hyderabad. The Indian Government, to mark its sense of the services of Salar Jung created him Grand Cross of the Star of India, and restored to the Nizam the Reichoor Doab and Dharaseo. Sir Salar Jung is of princely rank by descent, and possessed of large estates, but in his tastes he is as simple and unostentatious as he is regal in his hospitalities and charities. He speaks and writes English with ease and elegance, and his manners are so engaging that an English official, who was very much opposed to claims which Sir Salar Jung was urging on behalf of the Nizam against the Government, said that “he thought Englishmen of influence and rank should not be encouraged to go to Hyderabad, as Sir Salar Jung was sure to make converts of them.” The impression produced by the Nawab on strangers is certainly very agreeable, and it is not effaced by further intercourse. In the painful discussion which arose in reference to the presence of the Nizam, who is a very sickly boy, at the Prince of Wales’ Durbar at Bombay, he never lost his dignity and temper when subjected to very strong insinuations, and he certainly won an easy victory over clumsy opponents in the diplomatic controversy as to the Nizam’s health and ability to visit Bombay. The splendour of the deputation which he headed evinced his desire to do honour to the Heir Apparent and to pay respect to the Crown, and both at Bombay and Calcutta he was treated with marked distinction by the Prince of Wales, who was aware of his services and was much interested in his conversation. The Duke of Sutherland, who went to Hyderabad, was much struck by the practical sense of the Minister, who will soon be his guest, and it may be taken for granted that no more remarkable personage has visited this country for many years from countries outside Europe than Sir Salar Jung.—*Times*, 24th May 1876.

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[VOL. X.

REPORT ON THE DISEASED LEAVES  
OF COFFEE AND OTHER PLANTS.

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We have received a copy of the above-mentioned Report written, apparently on information supplied to him from India, by M. C. Cooke, Esq., of the India Museum, London. We cannot but admire its printing and general get-up. The frontispiece is adorned by a coloured plate representing the leaf diseases of the coffee, the mango, and the jack. The appearances patent to the naked eye, and those revealed by the microscope are beautifully pourtrayed. From the Report itself we learn that the leaf rot or *kole-roga* is by no means identical with the leaf disease ; that though both these pests are of a fungoid nature, yet the leaf disease is an *endophyte*, developed in the tissues of the leaf itself, while the rot is an *epiphyte* growing on the leaf and only superficially connected with it. This distinction was, we are told, pointed out by Mr. Graham Anderson in the following words :—"The difference between the leaf disease and the rot is that the former is a fungoid disease originating in, or at least affecting, the cellular tissue, and causing a fungoid efflorescence or eruption on the leaf, whereas the rot is a fungoid deposit from without assisted by the impaired condition of the system of the

plant. Leaf disease, under the microscope, is found to consist of innumerable minute fungi, which are forced out of the pores of the leaf, whereas the tenacious fungoid web, which in *rot* completely creeps over the under surface of the leaves, is evidently a mildew deposit caused by atmospheric action, coupled with a passive submission of the leaf to the insidious attack, owing to the vital energy of the plant being impaired." We are told that the leaves affected by the rot are spotted on the under surface with "large greyish white irregular patches"; that these patches are smooth; that they appear superficial and can be removed with the point of a lancet. One very striking peculiarity of this fungoid growth is that the spores are so intimately attached to the web-like mass of thread of which its substance is composed, that they cannot be detached without great difficulty, whereas mucid spores in general are detached by the mere application of moisture. So intimate is the adhesion of the spores to the threads in the rot fungus that though portions of leaf were immersed in water, glycerine, and in spirit to facilitate microscopic examination, the mucus was not thereby dissolved, nor were the spores set free. The specimens treated with *liquor potassae* were rather more distinct, and those treated with nitric acid

were clear at first, though they soon passed into a cloudy indistinct mass (probably from the destructive action of the acid). As to the nature of the fungus we learn that :—"From the examination of this rot, with a view to the determination of its scientific relationship, the conclusion appears to be that it has no very close affinities, that it is not only specifically new, but will have to be accepted as the type of a new genus. It, doubtless, must be grouped with the *mucedines*, or white moulds, but the presence of the gelatinous element is a novelty. The creeping threads, and echinulate spores might at first suggest *Zygodemus* but, apart from the gelatinous element, there is no constriction or cutting of the threads as in that genus, and the spores are sessile. The habit has also some resemblance to such species of *Oidium* as are recognised as the *conidia* of certain species of *Erysiphe*, but there the resemblance ends, for the fructification is very different. No alternative presents itself but to accept this fungus as the type of a new genus under the name of *Pellicularia Kali-roga*. The disease appears to be very analogous to, if not identical with, a black rot that attacks the Betel nutpalm. We must confess that we could not at first sight see how a fungus adhering merely to the surface of the leaves and not affecting their parenchyma could be so destructive; but it will be readily understood from the following explanation by Mr. Cooke :—"The fact of an epiphytal fungus, which does not penetrate the tissues of the leaf, being so destructive to the foster plant, may at first seem strange, until it is remembered that in plants with coriaceous leaves, all, or nearly all the stomata are confined to the under surface of the leaf. If, therefore, a filmy substance like the present fungus over-spreads the under surface of the leaf, and securely seals up all the stomata, it is but reasonable to expect, not only that the leaves should fall, but that the

plants should suffer injury. In such diseases as that which affects the hop (*Sphaerotheca Castagni*) the chief destructive action lies in the closing up of the orifices of the leaf by the woolly coating of mycelium produced by this fungus. It might be worth the experiment to ascertain if a coating of gelatin washed over the under surface of the leaves of a coffee-tree, so as to act artificially in the same manner as the rot, would produce similar results. Such an experiment could be performed on a coffee estate much more satisfactorily than upon a plant subject to artificial conditions as cultivated in this country."

Mr. Cooke next considers the means of getting rid of the disease. Of course, as he says, there must be simultaneous action by all the planters, or the plague will be suppressed only partially and for a time to break out again afterwards. He suggests that the application of sulphur from a hand dredging machine somewhat after the manner in which hops are treated at home, might be found efficacious.

With regard to the coffee leaf disease of Southern India it would appear to be identical with the coffee leaf disease as noticed in Ceylon, *Hemileia vastatrix*. It appears in roundish, irregular spots on the under surface of the leaves. It is an endophyte and having traversed the tissues of the leaves, the fruitful thread breaks through the cuticle in small tufts. At the tips of these threads are the spores. We are told that this disease principally affects a coarse variety of the coffee tree called locally "Chick trees." Acting upon this belief, great care is taken to guard against the introduction of "Chick trees" into plantations. From the returns furnished to him by the planters, Mr. Cooke found that trees attacked by the leaf disease do, as a rule, recover; that trees once attacked are liable to returns of the disease; and that the

attacks increase in severity. As to the causes of the disease they would appear to be those of mal-nutrition generally, such as faulty drainage, stagnant water, &c. Possibly also much mischief is done by the mycelium, or spawn of fungi contained in the soil around the roots. In the specimen of soil sent home with the diseased leaves for examination, Mr. Cooke detected a large quantity of mycelloid filaments such as are always to be found in decaying vegetable matter.

As to remedial measures Mr. Cooke does not think that the leaf disease, being an endophyte, is likely to be benefited by sulphur. One planter, as soon as the disease appeared, had all the affected leaves picked off and burnt. This measure succeeded perfectly, and he was rewarded by a fine crop. This remedy would however be impracticable on large estates. Another remedy suggested, namely, washing the leaves with a weak solution of carbolic acid, though excellent in principle, would be equally difficult of application.

Two specimens of "Mango leaves affected by a peculiar blight" were forwarded to Mr. Cooke for examination. One specimen was found not to be diseased at all but to have its under surface invested by a scurvy white, woolly fungus in which were imbedded minute dead insects. In this case the insect and not the fungus was the deleterious element. In the other case a black fungus was found belonging to a group, one species of which is very injurious to Orange trees, and other species of which attack the hazel, poplar, willow, maple and other trees.

Several other specimens consisting of the leaves of the Girgutty, or Sand paper tree, the Guava tree, the Charcoal tree, and the Jack tree were forwarded to Mr. Cooke for examination; of these only the leaves of the Jack tree appeared to be infected with fun-

goid disease, while even in them it appeared to be a mild affection not related to the fungi which produce the coffee leaf disease, the coffee rot, corn mildew, the hop or potatoe disease, &c.

To quote Mr. Cooke's words, the conclusions to which he came are "that the coffee rot is equally or more injurious to the coffee estates than the so-called coffee leaf disease; that it is a species of parasitic fungus not before known to science; that it is of such a nature as is likely to yield to treatment by sulphur in a similar manner to that employed in the hop gardens of this country;\* that the coffee leaf disease is also prevalent, but the planters are divided in opinion as to its injurious influence on the quantity or quality of the crop; that it is advisable to experiment on diseased coffee trees with Condy's fluid in the manner in which it has been successfully employed in the Hollyhock disease. And, finally, it is submitted that further specimens, in earlier or later stages, of the coffee rot should be sent to this office† together with that which attacks the betel nutpalm, in order that its history and development, and specially the mode of dispersion of the spores may be fully investigated." To these conclusions succeed a series of extracts illustrative of the mode of sulphuring diseased plants which appears to have been very successful in cases of the hop disease at home.

Elsewhere in our columns will be found a paper on the leaf disease in Ceylon, taken from the *Ceylon Observer*, and another well thought out and apparently very practical in its bearing from the *Madras Mail*. Our own humble opinion is that though sulphur fumigation and borax washing may be excellent remedies in theory, yet they are too troublesome to admit of general applica-

\* England.

† India Museum, London.

tion, and that the surest as well as simplest form of relief, is prevention rather than cure—that is to say, that careful manuring, good weeding and a generally high degree of cultivation will do more to prevent plants from contracting the disease than sulphur, Condyl's fluid, or borax will ever cure.

#### ADMINISTRATION OF TRAVANCORE.

Most of our readers will be interested in the successful administration of a Native Kingdom which has often been justly alluded to as a model State, especially when, setting aside the fact that it is presided over by a most enlightened Prince, it is remembered that it is actually governed by a distinguished official of the Madras Service who, having won a first class reputation as an efficient executive, recently filled the high position of native colleague of the honorable the members of the Board of Revenue of Madras. We have before us the very modestly written Report of the Administration of Travancore for the year 1874-75 by A. Séshiah Shastri, Dewan or Prime Minister of that Kingdom; and from it we learn that the model State has had the blessing of abundant harvests and the enjoyment of unabated prosperity. In the simple language of the esteemed Dewan—"The rains fell as they were required both for the rice crop, the cocoanut gardens and the few dry grains which are grown in the State. The harvest was consequently plentiful, and the gardens productive." Territorially small as may be the Kingdom of Travancore, as compared with the huge districts under the British rule by which it is overshadowed, it has a land revenue of eighteen and a half lacs of rupees a year: nearly twelve lacs of this are from its rice fields, and the remainder from its gardens.

Of recent years Coffee cultivation has been introduced on the Travancore hills: the enterprize has thriven; and at the present time not less than forty-eight thousand acres are devoted to the rearing of a shrub which, originally confined to a race of Arabs, has now become a familiar household word in every European country. In the last year 7,817 acres of Coffee land were put up for sale at Travancore, and fetched the unprecedently high price of Rupees 2,14,761 at an average of 28 Rupees per acre, the highest price realized however having been so much as 82 Rupees an acre. There is no export duty on Coffee in Travancore, but His Highness' Government has it in contemplation to raise the assessment on the Coffee lands to 2 or even 3 Rupees per acre. The next principal source of Revenue is Customs; and from this source we find that the Travancore Government nets nearly thirteen lacs of rupees, exclusive of the Rupees 40,000 which the British Government pays it as compensation for abolished import duties. The export duties realized Rupees 3,60,457, and the import duties fetched Rupees 9,25,936. The product which principally contributed to the customs was *copra*, or the dried cocoanut, the export duty on which amounted to more than a lac and a quarter rupees. Coir brought in more than a half a lac; and the rest was made up in duty on cocoanuts, cocoanut-oil and fibre. There were also export duties levied on Pepper and *Vettoppauk* or areca nut, which amounted to Rupees 26,224 on the one and Rupees 22,400 on the other. The leading commodity which yielded its import tribute to the Travancore Customs was Tobacco, to an extent exceeding nine lacs of rupees. Transactions in opium we find were very small, and the import of piece goods, rice, &c., was not worth mentioning. Salt realized a revenue of more than ten lacs; Abkarry fetched a lac and a half; the Forest Department contributed

near 78,000 Rupees ; and Cardamoms and forest produce yielded a lac and a half. Besides all this, there was a miscellaneous quota of revenue amounting to Rupees 6,23,434 which, was got out of Pagoda offerings, Post office collections, Registration fees, Fines, &c. The total revenue collected was altogether about one hundred lacs of rupees which, deducting expenditure, left about ten lacs to be carried to the credit of the State.

Having looked at "the sinews of war," let us now turn our attention to the more elevating indications of an enlightened Government. The administration of justice must of course rank first. Justice is dispensed by about 21 District Munsiffs, 12 Zillah Judges (with appellate powers), and a Sudr Court consisting of four Judges, the chief of whom is T. Chellappa Pillay, B.A. and B.L. of the Madras University, the second Judge being Mr. Ormsby, LL.D., Barrister-at-law. The money value of the litigation dealt with in the year is set down at Rupees 35,20,291 ; the number of suits disposed of being 30,240 or 83 per cent of the file. This Judicial establishment we are informed costs Rupees 1,66,213, while the judicial receipts are given at Rupees 1,40,704. Beside the native magistracy, we find that four European Special Magistrates were recently appointed for the purpose of dealing with European British subjects. These four gentlemen are Mr. H. Crawford for Alleppey, Dr. Ormsby and Mr. Bensley for Trevandrum, and Mr. R. Baker for the Peermade range. This arrangement was the result of a negotiation with the Government of India, who yielded to the wishes of the Maharajah that he should appoint these gentlemen as Magistrates with the first class powers prescribed by our Criminal Procedure Code, and that they were then to be commissioned as Justices of the Peace by the Viceroy, by virtue of which they possess the power of com-

mitting European British subjects either to the British Resident at Travancore as a Court of Session, or to the High Court of Madras, dealing however with ordinary cases magisterially. This concession, as it naturally would be, is viewed with eminent satisfaction by our courtly neighbour of Travancore. We do not think it necessary to notice in detail the statistics of crime in the State. Crime occurs every where; and even the model State enjoys no immunity from the curse of fallen nature. We may simply mention that of committed cases there were 124 offences against the person, and 260 against property. The former included 20 murders, and the latter 48 cases of robbery and 193 of theft. This may be considered remarkably small in an entire State. On the other hand, cases of death seem to have been remarkably large ; for we are told that there were 93 cases of suicide, and 276 deaths by accident. 56 people hung themselves, 31 drowned themselves, 2 persons killed themselves by poison, and 4 got rid of themselves by other means. 144 persons were accidentally drowned, 98 were killed by falling from trees ; and 34 met with death in various other ways. The Public Works Department appears to be most effectively administered, about seven lacs of rupees being spent in the State on Irrigation works, roads and bridges, buildings, &c. The efforts made in the advancement of education are not behindhand. There is a High School and College at Trevandrum, which numbers 952 pupils in all, 98 of whom are in the Collegiate Department, and 585 in the High School. The success of education in Travancore may be tested by the fact that in the year under notice 29 students matriculated, 17 passed the First in Arts Examination, and 6 took the B. A. degree in the University of Madras. There are District Schools besides, which are under the superintendence of Mr. Oliver H. Bensley, B. A. ; and these and

the Vernacular Schools are all said to be in a very favorable condition. The Travancore Government spends Rupees 90,696 in the Medical Department. At the capital itself there is a Civil Hospital with 960 in and 9,678 out patients, a Charity Hospital with 739 in and 4,752 out patients, a Palace Hospital with 110 in and 1,607 out patients, a Jail Dispensary with 2,065 out-patients, a Jail Hospital with 549 in-patients, and a Lunatic Asylum with 89 inmates. Travancore also possesses a Lying-in Hospital in which 42 in-patients and 48 out-patients were treated during the course of the year. The Report states that 72,289 persons were vaccinated, which shows a decrease of 11,303 as compared with the previous year. As a purely Hindoo Sovereignty, it is not to be wondered at that religious and charitable institutions present a marked feature in the administration of the country. Rupees 5,73,626 were expended in the year on Pagodas and *Devasans*; and *Ootperas* or Charitable feeding Institutions cost the State Rupees 3,06,584. Travancore has also its Museum which was visited by about 90,000 persons during the year; and among the additions to its contents are noticed some interesting specimens of marble inlaid stonework in imitation of the Taj at Agra brought by the Maharajah himself from Delhi and other places in Upper India, specimens of marine products collected about Cape Comorin by His Highness the First Prince, and a specimen of the wonderful *Euplectella*, or fossil sponge presented to His Highness the Maharajah by Dr. Hyde, of Bloxham, England. We find that the Observatory, which was presided over by Mr. Taylor and afterwards by Mr. Caldecot, is still kept up at Trevandrum; and that bi-filar and uni-filar observations, as well as observations of the transit of Venus, were taken and despatched to Mr. Brown, in addition to the ordinary meteorological observations conducted at the Observatory.

The most noticeable feature of the report is an interesting diary of His Highness the Maharajah's journey to Calcutta on a personal visit to the Viceroy. In the course of this journey, His Highness visited Madras, Poonah, Indore, Patna, Allahabad, Benares, Agra and Delhi, besides Calcutta itself, where His Highness was right royally received in Durbar by the Queen's Representative with the highest honors accorded to an independent Prince. We would fain copy the Dewan's description of the visit to the Taj: "The colored lights with which the long marble walls and terraces were lit produced a very pleasing effect. The interior of the tomb was lit with Roman candles and presented a beautiful sight. Thousands of little lights were then sent down the stream of the Jumna: the movement of these on the water, as they neared and receded from each other, as they drew together and parted, produced a very pretty effect. The American tourist's description of the Taj as 'Poetry in marble' was no exaggeration." With this, and the following extract we conclude our notice of Seshia Shastri's Report of the Administration of Tranvancore. "His Highness arrived at the old landing place, *Calpalacadavoo*, Trivandrum, and proceeded in procession to the palace, amidst the cheers and congratulations of his expectant subjects, after an absence of 46 days, during which a journey of 6,313 miles was accomplished, under God's blessing, without a single accident or casualty, and during which, thanks to the British Government, nothing but uniform kindness and courtesy were experienced everywhere."

**MESSRS. SOMASUNDURM AND PARTHASARADY CHETTY'S COMPILATION OF PENAL LAWS (MADRAS).\***

THIS is a compilation, which will, we think, prove a useful supplement to the Penal Code. It consists of a collection of the Penal Sections in all the Local or Special Acts in most frequent use in the Madras Presidency. The arrangement is alphabetical—the easiest and best, in our opinion, for ready reference,—the Acts (*i.e.*, such sections of them as prescribe punishments for the respective offences thereunder) being printed in the alphabetical order of the titles of the Acts. At the end of the collection of Penal Sections of Acts, comes a Schedule, exactly similar in form to that in the Penal Code, the offences under their respective sections of those Acts, with the punishment attaching to each, the Court by which triable, and their quality as to being summons, or warrant cases, and whether bailable or not, being set out in tabulated form. The order in the Schedule corresponds with the order in the previous portion of the book. The book is in fact constructed on the model of the Penal Code. As the latter is a Code of General Penal Laws, the former is a Code of Local and Special Penal enactments, not indeed of all, but of the most used and useful among them. The compilation now under notice is one that will be of great assistance to Magistrates, to practitioners in Criminal Courts, and to members (of all grades) of the Police Department. It commends itself, perhaps, most especially to the last-mentioned class, from its being a book of an easily portable size; in fact we might characterize it as a *hand-book* or *manual* of Local and Special Penal Laws.

\* A Code of the principal Local and Special Penal Laws in force in the Madras Presidency. By S. Somasundrum Chetty and S. Parthasarady Chetty—Madras, 1876. Printed by C. Foster and Co.

We have to congratulate the authors upon a work not only happily conceived, but carefully and efficiently executed. The price is Rupees 6.

**CORRESPONDENCE.**

*To the Editor of the Revenue Register.*

SIR,

I shall feel very thankful if you will kindly explain the meaning of the expression "Gross Reatal" used in Clause 7, Class III, Schedule B, of the Mofussil Municipal Act III of 1871, and also in Clause 3, Class III, Schedule C, of the Madras Municipal Act IX of 1867.

By so doing you will no doubt confer a great boon on the Tax-payers of Mofussil Municipalities.

I remain, Sir,

Yours very faithfully,

TAX PAYER.

There can be no other meaning intended of the term *Gross Rental* than its obvious meaning, viz., the full amount of rent the Shop or Place of Business in question fetches, or is estimated to fetch, without being subject to any deductions whatever on any account.—ED. R. R.

**HIGH COURT—MADRAS.**

**MORGAN, C. J., AND INNES, J.**

*Suit to enforce acceptance of puttah—Indefinite demand or notice not sufficient to sustain such suit.*

*A sued for a decree to force B to accept a puttah of him but failed to show that he had tendered a puttah to B, or that such tender had been dispensed with.*

*Held, that to maintain a suit to enforce the acceptance of a puttah, the landholder must show that he had tendered such puttah and that the tenant had refused to accept it—a mere indefinite demand or notice was not sufficient.*

*S. A. 665 of 1875.*

*Syed Chandamish Saib v. Lakshmana Iyengar.*

This was a Special Appeal against the decree of Mr. H. W. Bliss, Acting District Judge of Madura, in Appeal Suit No. 436 of 1874 against the decision of the Acting Deputy Collector of Madura in Summary Suit No. 40 of 1873.

The facts of the case sufficiently appear in the Judgment of the Acting District Judge of Madura, which is as follows:—

"The suit was by a landlord to compel ac-

ception of puttah and grant of muchilika in exchange by three ryots joint puttahdars.

The Deputy Collector dismissed the suit on the ground that the puttah sought to be imposed had not been tendered in writing as required by Section 7 of Act VIII of 1865.

The plaintiff appealed to this Court in Appeal Suit No. 362 of 1873, and Mr. Hutchins, the then District Judge, reversed the decree appealed against, and remanded the suit for disposal on the merits on the following grounds.

'Section 7 has no bearing on a suit of this description. It relates only to proceedings taken to enforce the terms of tenancy. The appropriate section is Section 9, and all that is necessary is that there should have been a demand uncomplied with for one month. The demand and the writing for one month are alleged in the plaint and again in the oral pleadings. The Act does not require the demand to be in writing.'

The Deputy Collector thereupon held a fresh investigation, and finding that a verbal tender of puttah had been made, passed a decree in favour of the plaintiff, which is now appealed against.

It is with considerable diffidence that I venture to disagree with Mr. Hutchins and to hold that the tender of a puttah in writing is a necessary preliminary to a suit by a landholder under Section 9 of Act VIII of 1865 to enforce acceptance of a puttah, and that, therefore, the original judgment of the Lower Court was right, and that now appealed against is wrong.

My reasons are as follows:—

In the first place, I think that it is unreasonable to expect a ryot to accept a puttah unless tender is made to him in writing, because it is impossible for him to ascertain on a mere verbal demand whether the puttah is such as the landholder is "entitled to impose." It is also impossible for him to prepare his muchilika, to be given in exchange for the puttah, unless he has the terms of the puttah reduced to writing and before him for reference.

In the second place, it appears to me that Section 7 makes a tender in the way there laid down (that is in writing) imperative. It enacts that no suit brought to enforce the terms of a tenancy shall be sustainable unless puttahs and muchilikas have been exchanged, or unless a puttah has been tendered in at least so effective a way as the delivery of a copy, or unless (which is not the case here) both parties have agreed to dispense with puttahs and muchilikas. Mr. Hutchins held that a suit under Section 9 was not a suit to enforce the terms of a tenancy. But the first of all the conditions of a tendency falling under Act VIII of 1865 is that puttah and muchilika shall be exchanged, unless the parties agree to dispense with them. I think,

therefore, that a suit under Section 9 is a suit to enforce one at least of the terms of a tenancy, and that perhaps the most important, and at all events the only one positively insisted upon by the law (vide Section 3).

Another argument for holding that before a landholder can bring a suit to enforce acceptance of puttah he must tender a puttah in writing, is, I think, to be drawn from the law as it stood before Act VIII of 1865 was enacted. That Act is professedly a consolidation Act. The sections of the old regulations which correspond to Sections 9 and 10 thereof, are Sections 8 of Regulation V of 1822 and 10 of Regulation XXX of 1802. By the first of these sections (in order of time) it was provided that in case of a ryot's persisting for a month in his refusal to exchange puttah and muchilika, the landholder might summarily eject him; by the latter, that he should apply to the Collector for an enquiry as to the justness of the puttah offered and for order for ejection, &c. But the latter provision did not repeal the former. It merely modified it. Until Act VIII of 1865 was passed, therefore, it was the law (under Section 10 of Regulation XXX of 1802) that the landholders should offer the puttah itself in the presence of witnesses before he could bring a suit to compel its acceptance. So he may do, if he pleases, still, and the tender would in my judgment be a perfectly valid one, although a concession has been made to him by Act VIII of 1865, and he is now not compelled to offer the puttah itself, but may serve a copy of it on the tenant in certain ways prescribed. But the essential provision that the tender must be in writing remains, I think, unaltered.

My decision, therefore, is that the decision of the Lower Court appealed against must be reversed, and its original decree restored, and the plaintiff's suit dismissed with all costs.

In coming to this conclusion I have not overlooked the fact that the plaintiff's witnesses stated before the Lower Court that the puttah itself was offered; but as they flatly contradicted one another as to the presence of the first and second appellants on the occasion, I prefer to disbelieve them, and hold with the Lower Court that a verbal tender only was made."

The High Court delivered the following

*Judgment:—25th February 1875.*

When this suit was remanded by the Lower Appellate Court nothing more was decided by the Court than that the provisions of Section 7 had been misapplied to the suit which is a suit brought under Section 9 to enforce acceptance of a puttah, not a suit under Section 7 to enforce the terms of a tenancy.

We agree with the Lower Appellate Court in the Judgment now before us in appeal, though

we do not assent to all the reasons assigned for that judgment.

The order of dismissal first made by the Deputy Collector was right, because the plaintiff who sued to enforce acceptance of a puttah failed to show the tender of a puttah, or that such tender had been dispensed with.

Where the parties are bound to exchange written engagements in the forms of puttah and muchilika, the landholder must, in order to maintain a suit to enforce acceptance of the puttah, show that he on his part has done what the law requires from him. A mere indefinite demand or notice, whether written or unwritten, is not sufficient to sustain such a suit. A puttali should be tendered for the tenant's acceptance and upon his refusal to accept the landholder's right to sue to enforce acceptance arises.

The appeal is dismissed with costs.

#### HIGH COURT—CALCUTTA.

[Appellate Civil.]

JACKSON AND McDONELL, JJ.

*Putni Tenure, Sale of, for Arrears of Rent—Regulation VIII of 1819, Section 8, Clause 2, and Section 14—Date of Publication of Notice.*

The fact that the receipt of the notice of sale was dated the 15th of Bysack, and therefore did not show that the notice had been published at some time "previous to that day," so as to satisfy the provisions of Section 8, Clause 2 of Regulation VIII of 1819, was held not to be sufficient ground for setting aside the sale of a putni tenure for arrears of rent.\* There being nothing in the receipt to show the date on which the notice was published, no injury to the plaintiff having been proved, and it appearing that more than the time prescribed by the Regulation had elapsed before the sale actually took place, the Court refused to set aside the sale.

\* As to how far a strict compliance with the provisions of Section 8, Clause 2 of Reg. VIII of 1819 is necessary, see *Baikantanath Sing v. Maharajah Dhiraj Mahtab Chand Bahadur*, 9 B. L. R., 87, and cases there cited, and *Ramsabuck Bose v. Kamines Koomaree Dossce*, 14 B. L. R., 394.

*It would not be a "sufficient plea" within the meaning of Section 14 that the receipt had been obtained, or the notification published, on, instead of previous to, the 15th of Bysack.*

*Matungee Churn Mitter v. Moorrery Mohun Ghose and others.\**

Suit by the holder of a 12-anna share of a putni tenure, to set aside a sale of the tenure for default in payment of rent, upon the ground, amongst others, that the notification of sale was not published before the 15th Bysack as required by Clause 2, Section 8 of Regulation VIII of 1819. The defendants were the Zemindars and the purchasers at the sale. The receipt for the service of the notification bore date the 15th Bysack, and was signed by four munduls of the village, in which the plaintiff's mal cutchery was situated. The serving peons deposed that they had served the notification of sale on the holder of the 4-anna share on the 13th or 14th of Bysack, and that they went to the plaintiff's house on the same day, but found neither the plaintiff nor his servants there; that, on the following day, they went to the plaintiff's mal cutchery, but were unable to find either the plaintiff or his gomasta or any other servant, and that they thereupon sent for the munduls of the village, read the notice to them and affixed it to the cutchery, and obtained from them the receipt dated 15th Bysack. The sale took place on the 3rd Joisto, seventeen days after this.

The Subordinate Judge was of opinion that there was a sufficient publication of the notice, and dismissed the suit. The present appeal was then preferred by the plaintiff.

Baboo Chunder Madhub Ghose, for the appellant, contended that it was essential to the validity of a sale under Regulation VIII of 1819, that the provisions of the Regulation should be strictly complied with. The Collector must be satisfied that the notice was published before the 15th Bysack, whereas in the present case the receipt produced by the defendants clearly proved that it was not so published.

Baboo Mohini Mohun Roy and Baboo Rash Behary Ghose, for the respondents, contended that the object of the Regulation was to give the defaulter sufficient notice of the intended sale, and the law considered fifteen days to be sufficient: see *Harannath Gupta v. Jagannath Roy Chowdhry*.† Here the plaintiff had had at least seventeen days' notice, and it was not pretended that he had been in any way damaged.

Baboo Chunder Madhub Ghose in reply.

\* Regular Appeal, No. 240 of 1874, against a decree of the Subordinate Judge of Zillah Hooghly, dated the 4th July 1874.

† 9 B. L. R., 89 note.

[August 15, 1876.]

The judgment of the Court was delivered by

JACKSON, J.—In this case, the suit was brought for the purpose of setting aside the sale of 12-anna share of a putni tenure held by the defaulter. A great number of objections, some of a frivolous kind, and some of an unjustifiable kind, have been brought forward in appeal, but the only one which deserves notice or which was seriously pressed is that where it is contended that the notice in this case does not appear to have been published before the 15th Bysack, the sale having taken place on the 3rd Joisto following. Now, it is to be observed that the Legislature, in passing Regulation VIII of 1819, for just and equitable purposes, prescribed a variety of forms required to be gone through by Zemindars, on applying for the sale of a putni tenure for arrears accrued due thereon, some part of the procedure being carried out by officers of the Collector's establishment: and one of the matters prescribed by Section 8, Clause 2, is that the Collector should be satisfied of the service of the notice, either by the receipt of the defaulter, or of his manager; or, if that cannot be procured, then by the signature of three substantial persons residing in the neighbourhood. Then it says:—“If it shall appear from the tenor of the receipt or attestation in question, that the notice has been published at any time previous to the 15th of the month of Bysack, it shall be a sufficient warrant for the sale to proceed upon the day appointed.” That and other rules having been so laid down, Section 14 of the same Regulation says:—“It shall be competent to any party desirous of contesting the right of the Zemindar to make the sale, whether on the ground of there having been no balance due, or any other ground, to sue the Zemindar for the reversal of the same, and upon establishing a sufficient plea to obtain a decree with full costs and damages.” The meaning of that provision, as it appears to me, is, that, if the defaulter or the alleged defaulter should be able to make out that the Zemindar was not in a condition to obtain the sale of his under-tenure, that there had been no balance due, or that the procedure enjoined by the Regulation had been neglected, so that the defaulter has been prejudiced by reason of that neglect, then the Civil Court is declared entitled to set aside the sale and to grant a decree to the plaintiff with full costs and damages. But it certainly would be no “sufficient plea” or substantial cause of complaint that the receipt in question had been obtained, or that the notification had been published on, instead of previous to the 15th of the month of Bysack. The law says that if it shall appear, that is, appear to the Collector, that the notice has been published at any time previous to the 15th of the month of Bysack, that shall be a sufficient warrant for the sale to proceed. Now, in the

receipt which has been read to us in this case, the particular time of publication is not stated. The receipt is dated the 15th, and has the signatures of three substantial persons, which is to be accepted only in case of inability to procure the receipt of the defaulter. It might very well be that the previous day or days had been spent in vain efforts to procure the signatures of the putnidar or his agent, and that the receipt was afterwards completed by the signatures of the munduls, obtained on the 15th of Bysack, and this might well have satisfied the Collector that the notice had been in fact published previous to the 15th. That being so, and no injury to the plaintiff being at all made out, it appears to me that the ground set up is wholly insufficient to induce this Court to set aside the sale. It may be added as it appears in this particular case that the sale, instead of taking place on the 1st of Joisto, did not take place until the 3rd, and therefore even if we assume that the publication had taken place on the 15th, still the defaulter had two days more than is prescribed by the Regulation.

The appeal is dismissed with costs.—*The Indian Law Reports*, Vol. I, Part V, p. 175.

## HIGH COURT—BOMBAY.

### [Appellate Civil Jurisdiction.]

WEST AND NANABHAI HARIDAS, JJ.

Miras—Razinama—Extinction of Miras right.

B, a Mirasdari, addressed a razinama to the Mamlatdar, resigning certain miras lands in favour of L (to whom at the same time he delivered possession of the lands), and containing no reservation or qualification:

HELD, that the transfer to L was complete and the rights of B wholly extinguished.

S. A. 441 of 1874.

Tarachand Pirchand v. Lakshman Bhavani.

This was a special appeal from the decision of C. B. Izon, Joint Judge of Tanna at Nasik, in Appeal No. 68 of 1874, reversing the decree of the Subordinate Judge of Sinnar in Original Suit 775 of 1872.

The facts, which, for the purpose of this report, may be taken as proved, are as follows:—

One Haibati was the Mirasdari of a piece of land. After his death his son Bhagu, in August 1867, passed a razinama to the Mamlatdar in

favour of the defendant Lakshman in the following terms:—

- "To Shamrav Govind, Mamlatdar, on behalf of the Government, Taluka Siunar.

[This *razinama* is passed] by Bhaguji valad Haibati Halvar, Patil of Mouje Muldhon. My representation is as follows:—

The land [situated] in the aforesaid *mouje* is in the name of my father Haibati valad Bhagnji Halvar, Patil. But the person named above is dead. I am his eldest son and heir. I am too poor to cultivate [the same]. Therefore I resign the land. The number of that *tike* (field) [is as follows]:—

Name of the Tike.	[Survey No.]	Acres.	[Assessment] Rupees.
1 Tike Govind Khila. ... ...	64	20	3 12 0

The above land has been resigned from the Christian year 1867-68. Therefore, the Government should take away the [said] land from my name and transfer it to that of Lakshman valad Bhavanji Pavle, Patil of the village mentioned above. I and the [other] person mentioned above agreed between ourselves and have made this *mobudla* (transfer). This *razinama* for a *mobudla* (transfer) is duly given in writing. The 26th day of the month of August in the Christian year 1867." At the same time Bhagu gave the defendant Lakshman possession of the lands comprised in the *razinama*.

Haibati's right in the land was sold in December 1869 at an auction sale at which one Tarachand was the purchaser. Tarachand then brought the present suit against Lakshman for recovery of the land with mesne profits. Lakshman contended that the *razinama* was a complete abandonment of all the rights of Haibati in the land, and that, consequently, he was himself the absolute owner of the land.

There was no evidence, nor was it contended in argument in either Court, that Haibati had been guilty of any fraudulent concealment of the fact of his being a *Mirasdar*, or that Lakshman was ignorant of that fact; the contrary inference might, however, fairly be drawn from the fact that Lakshman was himself Patil of the village in which were situated the lands comprised in the *razinama*. There was no evidence of the consideration paid by Lakshman for the transfer, and the point that there was none, was raised for the first time at the argument of the special appeal, but, as a fact, none had been paid.

The Subordinate Judge passed a decree in

favour of the plaintiff; but the Joint Judge reversed his decision and decreed for the defendant.

The special appeal was heard by West and Nanabhai Haridas, JJ.

*Gokaldas Kahandas for Dhirajlal Mathuradas*, Government Pleader, for special appellant:—The *razinama* No. 16 does not contain the words "No claim whatever of mine remains in the land," and is not, therefore, a complete relinquishment of the *miras*. The *Mirasdar* consequently can resume possession of his land within 12 years. What Lakshman acquired by the *razinama* was merely a tenancy-at-will, determinable at the *Mirasdar's* pleasure within the period of limitation. There was no consideration for the *razinama*.

*Ghanasham Nillkanth*:—The *razinama* does not contain the words "No claim whatever of mine remains in the land;" but is nevertheless a complete abandonment of the grantor's rights. There is not a word of limitation, or of reservation. Section 42 of the Survey Act I of 1865 (Bombay) makes the new occupant responsible for the assessment. The exemption of the grantor from the liability to pay assessment and the undertaking of the grantees to pay it, constituted the consideration for the *razinama*.

WEST, J.:—Haibati's son Bhagu, it is clear, passed to the Mamlatdar a *razinama* of the land in dispute in favour of the defendant Lakshman. Tarachand, as subsequent purchaser of Haibati's rights, now seeks to eject Lakshman, asserting that, as the land is *miras*, the resignation by Bhagu conferred no more than a precarious right of occupation terminable at the will of Haibati or of the successor to Haibati's interest. It is plain, however, that Bhagu gave up possession of the land in dispute to Lakshman. Lakshman's possession is *prima facie* evidence of complete ownership, throwing the burden, according to Section 110 of the Indian Evidence Act, of showing that it is held on some inferior title, upon him who seeks to dislodge the possessor. Under the English Common Law "if the defendant pleads livery and seizure from the plaintiff, the plaintiff cannot reply that the livery was conditional without showing the deed, inasmuch as the plaintiff is estopped to defeat his own livery by a naked averment and parol evidence only." 1 Gilb. on evidence, 86. The creation of a greater interest than a lease of three years, except by a writing, was afterwards prevented by the Statute of Frauds, and hence it comes that the formal delivery of possession does not now in England raise the natural presumption which formerly attended it; but the Statute of Frauds is not in operation amongst Hindoos at Nasik, and he who delivers possession there, without evidence of anything more, places himself in such a position that the ordinary presumption

operates against him. Under the Hindoo law there must, to constitute a complete title, and therefore a complete transfer of title, be *juris de seis in conjunctio* according to Sir T. Strange; but under that law, too, a title may be inferred from possession, so that he who hands over possession gives room for this inference to arise.\* The nature of the possession granted, or rather of the right in virtue of which the physical detention of the property is transferred, is to be sought in the accompanying agreement, or rather expression of will, on the part of the grantor. Here he hands over possession and gives in a *razinama* in favour of Lakshman, not limited by any qualification whatever. It is argued that the *Mirasdar's* right to resume possession may have been reserved; but to this, if to any case, the maxim applies *expressanocent non expressa non nocent*. If Bhagu intended to reserve any portion of his right, he should have said so. In *Church v. Brown*,† Lord Eldon said: "The safest rule for property is that a person shall be taken to grant the interest in an estate, which he proposes to convey or the lease he proposes to make; and that nothing which flows out of that interest, as an incident, is to be done away by loose expression, to be construed by facts more loose; that it is upon the party, who has forborne to insert a covenant for his own benefit, to show his title to it." If, being a *Mirasdar* with rights as such, Bhagu, concealing this circumstance, induced Lakshman to take up the land and relieve him from the burden of the assessment, he was bound to make good the apparent title which he conferred on Lakshman, and so was any one else who came in, like the plaintiff here, by a title created subsequently to the transfer to Lakshman. The transfer to Lakshman, therefore, seems to have been complete, and the rights of Bhagu wholly extinguished. For these reasons we confirm the decree of the Joint Judge with costs.

**Note.**—In *Suryabhan v. Bukajee* (2 Morr. S. D. A., 189) the late Sudr Divani Adalat held that when a *Mirasdar* abandoned his land, and the Collector made it over to an *Oopree*, such *Oopree* did not, by thirty years' possession, acquire a title against the *Mirasdar* under Regulation V of 1827, Section 1.—See also *Apa v. Jaghoor* (1 Morr. Sel. Dec. 51). But these cases were overruled in *Salu v. Rawji* (1 Bom. H. C. Rep. 41) in which it was held that the Regulation applied. See also *Arjuna v. Bhavan* (4 Bom. H. C. Rep. A. C. 183) in which it was held that limitation under Act XIV of 1859 ran against a *Mirasdar* abandoning possession of his land.

In *Joti v. Balu* (reported *infra*) a rule directly opposite to that enunciated in the present case was laid down, viz., that a *Mirasdar* who has given in a *razinama* has a right to recover his land if he sues within the period of limitation, unless in that document it is expressly stipulated that he has abandoned his *miras* rights.—*Idem*, p. 91.

\* 1 Str. H. L. 31, 2 Id. 20., 1 Coleb. Dig. 131 CXIII.

† 15 Ves. 258, see p. 268.

## HIGH COURT—ALLAHABAD.

[Before a Full Bench.]

STUART, C. J., PEARSON, TURNER, SPANKIE,  
AND OLDFIELD, JJ.

Lambardar—Co-sharer—Profits—Revenue—Set-off.

HELD, (Spankie, J., dissenting), that a lambardar, who had paid an arrear of Government revenue out of the collections of subsequent years without reference to the co-sharers, was entitled, in a suit against him by a co-sharer for his share of the profits for such subsequent years, to claim in the suit a deduction on account of such payment.

*Udai Singh v. Jagan Nath.*\*

THIS was an appeal to the Full Bench, under Clause 10 of the Letters Patent, against a judgment of Pearson, J., from which Spankie, J., dissented.

The facts of the case which are material appear in the judgments of the learned Judges.

PEARSON, J.—The first plea in appeal appears to be valid. The defendant is the lambardar of the mahal of which the plaintiff is a co-sharer. The jama of the mahal was fixed by Mr. Lowe at Rupees 1,488-12-0. Mr. Currie reduced it to Rupees 1,275 from 1272 fuly. In 1278 fuly the Government disallowed the reduction, and directed the difference to be recovered for the previous six years. The amount was made good by the defendant in 1281 fuly, and it cannot be denied that he would be entitled, if he had paid it out of his own pocket, to recover from the plaintiff a sum proportionate to his share in the mahal. In the present suit the plaintiff claims Rupees 384-14-0 as arrears of profits due to him for 1278, 1279, and 1280 fuly. The defendant answers that he has paid the amount claimed to the Government in payment of the demand above-mentioned, and that it is less than what is due from the plaintiff on that account. The Lower Courts have held this defence to be insufficient. They think that he was not justified in applying in 1281 fuly profits which were due to plaintiff before that time, and without first calling on the plaintiff to pay his share of the Government demand; and that the proper course to be taken was to have brought a suit against the plaintiff for his share of the Government demand, in the event of his refusing to pay it on demand.

The opinion of the Lower Courts is not well-founded in reason or equity. When the defend-

\* Appeal under Clause 10 of the Letters Patent, No. 7 of 1875.

ant was required to pay to the Government an amount for which the plaintiff was jointly responsible, the former had in his hands a balance remaining out of the collections of 1278, 1279, and 1280—a balance which, after payment of the Government revenue and village expenses, would have been divisible as profits among the co-sharers of the mahal. But it was no breach of trust or breach of duty on his part to use that balance in paying the demand of Government for the arrears of revenue on account of the six years previous to 1278. There was nothing illegitimate in the course adopted by him; and it seems unreasonable to insist that he should have paid to his co-sharers the profits which would doubtless otherwise have been due to them, and that he should have paid the demand of the Government out of his own pocket, and sued them for contribution. For the moneys claimed he has accounted most satisfactorily, and it may well be presumed that they were reserved during the years to which the suit refers for the purpose to which they have been applied.

The answer made to the suit being good and sufficient, the suit should have been dismissed. The appeal is therefore decreed by reversal of the Lower Courts' decrees, with costs in all the Courts.

**SPANKIE, J.**—I am sorry that I cannot accept the proposed judgment of my honourable colleague.

The judgments of the Lower Courts appear to me to be correct on the point regarding which I differ from Mr. Justice Pearson. In the present case the order for payment of the enhanced jama had been made in 1278 *fusly*,\* but it had not been complied with by the appellant, the lambardar, until February and March 1874; and in case No. 368, which is a similar one to case No. 369 now before me, the lambardar had not made his second payment until May 1874—that is to say, not until after the institution of the suit. It is found in both cases that the defendant, appellant, had never called upon the plaintiffs to make good their quota of the enhanced jama from 1272 to 1278 *fusly*.† Nor had he himself, as far as appears from the record, ever paid their portion or any portion of the sum claimed by Government for those six years from his own pocket—the first payment made by him in this case being on the 27th October 1873, i.e., Katik, 1281 *fusly*.

Now the plaintiff, respondent, claims profits on account of the years 1278, 1279, and 1280 *fusly* from the defendant, the lambardar, i.e., whatever is due to him after payment of the Government revenue and village expenses. There is no dispute that his quota of the Government revenue on Mr. Currie's jama has been paid for

those years, and what he claims is the profits of the three years, after deducting the Government revenue and village expenses. The accounts for each year should be closed and audited annually, and any sum remaining after the satisfaction of the Government jama and village expenses should be made over to the shareholders, and until distributed may be regarded as being in the hands of the lambardar in trust for the shareholders. He is not at liberty to appropriate them for any other particular purpose without authority from the shareholders. In these years 1278, 1279, and 1280 *fusly* the defendant, as lambardar, had not himself made any extra payment to Government. If he desired to make his co-sharers responsible for their quota of arrears of Government revenue which he had to pay, or expected that he might have to pay, he might have sued them for the amount under the Rent Act, or he should have taken such other steps, as the Civil Court or Revenue laws permitted him to take, for the recovery of the money, after he had been compelled to pay in 1281 *fusly* the difference between the jama of 1272 and that of 1278 *fusly* as settled by the Government. But he was not, in my judgment, at liberty to claim, in answer to this suit, from the plaintiff his share of the profits of 1278, 1279, and 1280 *fusly*, as a set-off (for it amounts to that), being his quota of the sum actually paid by the defendant on account of the revenue demanded by Government, and levied from him in 1281 *fusly*.

The Act under which the suit has been brought does not allow a set-off to be pleaded in any claim of this nature. The money which the plaintiff claims in this suit as due to him was withheld by the defendant, appellant, before he had been compelled to make any payment, on account of the enhanced Government demand; and I do not think that the share for which the plaintiff may be responsible can be deducted in this suit from the amount of profits due to him on account of the three years for which he has instituted his claim. (The learned Judge then proceeded to determine the remaining pleas in appeal, but so much of the judgment, for the purposes of this report, is immaterial.)

**The Senior Government Pleader (Lala Juala Parshad)** for appellant—The lambardar can only deduct from the profits of a year the legitimate village expenses of that year. He is a trustee and agent for the co-sharers, and cannot dispose of the profits of a co-sharer accrued due to him without his consent. The respondent should bring a separate suit.

**Pandit Ajudhia Nath** (with him Babu Oprokash Chandar)—Multiplicity of suits is to be avoided. The respondent had the money in his hands, and paid it in satisfaction of the Government demand, which he was entitled to do. He should be allowed the payment.

STUART, C. J., and Pearson, Turner, and

\* Sept. 1870—Sept. 1871.

† Sept. 1864—Sept. 1871.

Oldefield, J.J., concurred in the following opinion :—

It appears that Mr. Currie as Collector allowed a reduction of the yearly revenue, subject, it may be presumed, to the sanction of Government. In 1278 fuly sanction was refused, and a demand was made on the respondent, the lambardar, who however did not pay the arrear due until 1281 fuly. Meanwhile he retained in his hands the profits of 1278 fuly, 1279 fuly, and 1280 fuly, and not improbably for the purpose of meeting the Government demand if pressed. In the suit out of which this appeal arises, the appellants, the pattidars, sue the lambardar for their profits of the years 1278, 1279, and 1280; and he pleads that, out of the sums collected in these years and remaining in his hands, he has paid the arrears of revenue above-mentioned; and the question which principally calls for decision in this appeal is whether he is or is not entitled to be allowed this payment. We are of opinion that he is. The lambardar is, in this village, the agent of the co-sharers to make collections, and after payment of the revenue to divide the profits. An arrear of revenue was due to Government, and to discharge this arrear he was entitled to have recourse to the collections for the years 1278 fuly, 1279 fuly, and 1280 fuly, remaining in his hands undivided. There is nothing in the revenue law which restricts a lambardar or other co-sharer, who may make collections, to discharge arrears of Government revenue out of the collections of the particular year in which the arrear may accrue. It would be at least inconvenient to hold that, having in his hands profits to meet the Government demand, the respondent, instead of applying these profits to the discharge of the demand, should be driven to have resort to a suit against each co-sharer.

SPANIE, J.—I adhere to the opinion expressed in my judgment of the 8th June 1875. Nothing that I have heard leads me to think that my view is incorrect.—*Idem*, p. 135.

## CIRCULAR ORDERS OF THE BOARD OF REVENUE.

### No. IX.

STANDING Nos. 274-5, 276-2, and 277-1.

#### SERVICE OF PROCESSES UNDER ACT II OF 1874.

*Proceedings of the Board of Revenue, dated 6th June 1876, No. 1484.*

BATTA PEONS may be employed for the service of processes under Board's Proceedings, Act II of 1864 (Madras) dated 24th April 1874, whenever it is found necessary to do so, but care must be taken to prevent abuse, and especially to guard against the entertainment as batta peons of needy Cutcherry retainers.

2. The number of peons required for each taluk should be determined by Divisional Officers, who should inspect them before they are enrolled. A register should be kept of them; they should be told off for duty in turn as their names appear on the register, and their remuneration should not be allowed to exceed Rupees 7 a month. The number for each taluk should be so fixed, that their cost may be recovered by the amount collected during the year, and it should be altered from time to time under the orders of the Divisional Officers according to requirements. The process servers may be transferred from one taluk to another as experience may dictate.

3. Village Officers should always be made to assist the battha peons in serving processes, and no property should be distrained by the latter except in the presence of the head of the village.

4. The maximum rates\* of battha are those prescribed in Board's

AS. Standing Circular No.

\* For service of any process within a distance of five miles ... ... ... 1 When it is found that Beyond five and within twenty miles ... ... ... 3 required is collected, Beyond twenty miles ... ... ... 4 the rates should be immediately reduced.

5. Fees for the service of processes under Act II of 1864 should be credited to "I. Land Revenue," minor head "Miscellaneous," and disbursements should be made under the corresponding head.

6. Standing Circulars Nos. 276 and 277 are cancelled.

(A true Extract.)

(Signed) C. A. GALTON,

Acting Secretary.

### No. X.

#### STANDING NO. 387-1.

#### COLLECTORS AND DIVISIONAL OFFICERS.

*Proceedings of the Board of Revenue, dated 19th June 1876, No. 1591.*

THE special attention of all Collectors is drawn to the following recent order of Government.

2. They will understand that they are not at liberty to leave their Districts without the sanction of the Board previously obtained, and will impress upon their Divisional Officers the necessity for a strict observance of the rule.

(A true Extract.)

(Signed) C. A. GALTON,

Acting Secretary.

*Proceedings of the Madras Government, under date 10th June 1876, No. 781, Revenue Department :—*

It having been brought to the notice of

Government that the Collector of was recently absent from his District at a neighbouring station in the adjoining District and that he proceeded thither without the previous sanction of the Board of Revenue; His Grace the Governor in Council must express his dissatisfaction at departure from well-known rules, and directs the Board of Revenue to call the attention of all Collectors and their Divisional subordinates to the necessity of obtaining their previous sanction on written application, or, on emergency, on application by Telegram in any case where circumstances may render it necessary for them to seek to leave their District.

(True Extract.)

(Signed) D. F. CARMICHAEL,  
Secretary to Government.

#### No. XI.

STANDING No. 150-13.

LAND SOLD WITH SPECIAL SANCTION OF BOARD.  
*Proceedings of the Board of Revenue, dated 26th June 1876, No. 1635.*

WHEN land is sold with the special sanction of the Board otherwise than under the rules for the sale of unassessed waste lands, a provision should be inserted in the conditions of sale similar to Clause 3, Section 36, Act II of 1864 (Madras), requiring the deposit by the purchaser at the time of purchase of a sum equal to 15 per cent of the price, the deposit being declared liable to forfeiture should the remainder of the purchase-money not be paid within thirty days from the date of sale.

(A true Extract.)

(Signed) C. A. GALTON,  
Acting Secretary.

#### No. XII.

STANDING No. 271-1.

#### KIST.

*Proceedings of the Board of Revenue, dated 20th June 1876, No. 1653.*

The following table of revised rates of kist should be substituted for the one appended to Standing Order No. 271.

DISTRICTS.	PROPORTION OF ANNUAL TAX PAYABLE EACH MONTH.								ANNAS.
	Novem- ber.	Decem- ber.	January.	February.	March.	April.	May.	Total.	
Ganjam ... ...	...	4	4	4	4	...	...	...	16
Vizagapatam ... ...	...	4	4	4	4	...	...	...	16
Godavery ... ...	...	4	4	4	4	...	...	...	16
Kistna ... ...	...	4	4	4	4	...	...	...	16
Nellore ... ...	...	2	2	2	4	4	2	16	
Cuddapah ... ...	...	4	4	4	4	...	...	16	
Kurnool ... ...	2	4	4	4	2	...	...	16	
Chingleput ... ...	...	2	2	4	4	2	2	16	
Bellary ... ...	...	2	2	4	4	2	2	16	
North Arcot ... ...	2	2	4	4	2	2	...	16	
South Arcot ...	2	2	2	4	4	2	...	16	
Tanjore ... ...	2	2	2	3	3	4	...	16	
Trichinopoly ...	...	4	4	4	4	...	...	16	
Madura ... ...	...	2	2	2	2	4	4	16	
Coimbatore ...	2	2	4	4	2	2	...	16	
Nilgiris ... ...	2	2	4	4	2	2	...	16	
Tinnevelly ... ...	2	2	4	4	2	2	...	16	
Salem ... ...	2	2	4	4	2	2	...	16	
South Canara ...	...	...	4	4	4	2	2	16	
Malabar ... ...	2	2	4	4	2	2	...	16	

(A true Extract.)

(Signed) C. A. GALTON,  
Acting Secretary.

No. XIII.  
STANDING No. 295-7.  
SUITS.

*Proceedings of the Board of Revenue, dated  
14th July 1876, No. 1802.*

The following alterations should be made in Circular No. 13 of 1875:—

In Clause 2 omit the words "and the full amount of costs is awarded."

For Clause 3 substitute the following:—

When the costs actually incurred are in excess of the amount awarded, the difference may be adjusted without reference to the Board.

(A true Extract.)  
(Signed) C. A. GALTON,  
*Acting Secretary.*

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OFFICIAL PAPERS.

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CATTLE DISEASE IN THE MADRAS PRESIDENCY  
DURING TEN MONTHS, ENDING 31ST  
JANUARY 1876.

*Proceedings of the Madras Government, Revenue Department, 15th June 1876.*

Read the following Proceedings of the Board of Revenue, dated 9th May 1876, No. 1210:—

Read the following letter from Veterinary Surgeon G. WESTERN, Governor's Body Guard, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated Madras, 1st March 1876, No. 142.

With reference to Proceedings of the Board, Miscellaneous No. 774, of 26th January 1876, I have the honor to state that, in accordance with the order of Government therein referred to, I reported myself to the Officer Commanding His Grace the Governor's Body Guard for Military duty with that Corps on 23rd December 1874. I have the honor to forward herewith, for the information of the Board, a report on cattle disease in the Presidency during my tenure of the office of Inspector. I regret that this has been so long delayed, press of other duty having prevented my completing it earlier. Reports still reach me from various districts, and these I have hitherto answered when necessary. I request I may be informed how they are to be disposed of in future.

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ENCLOSURE No. 1.

*Report on Cattle Disease in the Madras Presidency from 16th March 1875 to 31st January 1876, by Veterinary Surgeon G. WESTERN.*

Gazetted Inspector of Cattle Disease on 16th

March 1875, I proceeded to Madras with as little delay as possible, and reported my arrival to the Secretary to the Revenue Board on the 23rd March 1875.

2. I was informed that the fact of my appointment would be intimated to all Collectors, who would be requested to communicate with me direct when requiring my services on account of cattle disease in their districts.

3. At the same time, I was put in possession of all available papers on the subject. From these and other sources I learned that since the departure of Mr. Thacker in 1873, no officer had been in charge of the department, and that all reports on the subject had been discontinued. I therefore at once requested that a report in the form originally adopted by the Bengal Cattle Plague Commission, and also used by Mr. Thacker, should be sent me as early as possible after the outbreak of disease in any district.

4. I also learnt that Collectors were empowered to procure medicine, for distribution to the ryots, from the Rev. Dr. Scudder of the Ranepett Dispensary, and on inquiry I ascertained that medicine of one kind only, made from a prescription of Mr. Thacker's, was used in all cases alike, and, as may be supposed, with very varied success, and that in some instances it had even been said to have proved injurious.

5. I accordingly suggested that I should have handed over to me the remaining supply of this medicine, and that future applications from Collectors should be made to me direct.

6. Having for years been aware of the very great success attending Mr. Thacker's treatment of kinderpest with this medicine, and having myself had opportunities of proving its efficacy, and as, in addition to this recommendation, it has also the advantage of being composed of inexpensive drugs easily procured in most native bazaars, I determined as far as possible to continue its use, modified of course as circumstances required, hoping also to find it had already the confidence of the native cattle-owners.

7. To prevent further mistakes, I have attached to each tin printed labels with fuller instructions for use than had hitherto been given.

8. Numerous opportunities have occurred for its trial, and I have distributed large quantities, but its success in the hands of the natives has not, I regret to state, by any means justified my expectations, and, in spite of my precautions, I still find it is frequently used for the treatment of disease in cases for which it is altogether inapplicable.

9. The reasons of this failure I have learned to be, that its use is too often, through distrust on the part of the natives, restricted to cases in

which the disease has progressed so far that treatment of any sort would be hopeless. A dose or two is tried on some moribund animal, and because an immediate favorable result does not ensue, they become more than ever prejudiced against its use, and report that the "English medicine is useless;" or the directions for its use are not adhered to—it is given in insufficient doses and not sufficiently persevered with, or it is given in the first stage of the disease instead of only after purging has commenced. Proper care is not taken of the patients, but by neglect of cleanliness, maggots are allowed to breed about the mouth, nostrils, and posteriors, and the animals die in consequence of nervous exhaustion, induced by the extreme irritation of the system thus caused.

10. In my own hands, in the few cases I have been able to treat, the result has been universally successful, and I am convinced that a better medicine could not be prescribed, but it will easily be understood that it is impossible to prescribe any single medicine for the treatment of a disease like Rinderpest, which has so many different forms, each necessitating a different course of treatment.

11. That in question is intended for the particular type of the malady most common in this Presidency, in which the most prominent symptoms are diarrhoea and dysentery, and it is equally applicable where these occur from ordinary causes, as in Rinderpest, when they are but symptoms of a peculiar fever.

12. A Manual of Cattle Disease compiled by Mr. Thacker has also been translated into Tamil, Telugu, Canarese, and Malayalam, and printed and distributed by the order of Government. This is an admirable little pamphlet, most reliable in its descriptions of disease, and thoroughly scientific as regards the methods of treatment recommended.

13. In the vernacular copies, extracts from a publication of the Bengal Government "On the more deadly forms of cattle disease in India" in particular, a chapter "On the contagious diseases and the modes of preventing them" have been incorporated. This is a most valuable addition, and, in my opinion, the rules laid down cannot be too widely promulgated; were they acted up to by village authorities and cattle-owners, disease would be almost unknown in the country.

14. These vernacular manuals appear to be in the hands of all Tabildars and in most villages, but I have found that they are in very few cases referred to or acted upon; and in most instances are professedly not understood. I have on every possible occasion pointed out the value of the information to be there obtained, and am convinced that it is only because through prejudice unsought, and through

apathy, that the treatment is untried and that its value is not more thoroughly appreciated.

15. The past few months have been unhealthy in the extreme for man and beast. Excessive heat, with failure of rain and other meteorological conditions less understood, have brought about outbreaks of disease in various parts of the Presidency.

16. No provision is made by native cattle-owners by storing forage for seasons of drought, and the consequent alternations of almost starvation with superabundance of rank forage their animals are subjected to, is an ever recurring cause of disease.

17. Contagion has however, I think, been the main cause of the spread of cattle disease during the past season, and, under existing circumstances, cannot fail to continue to extend its ravages.

18. Very vigorous measures are necessary to cope with such highly contagious maladies as Rinderpest and Epizootic Aphtha, better known as Foot and Mouth disease, and the natives are too apathetic and too prejudiced by superstition, if left to their own devices, to adopt them.

19. The Collector of the district perhaps publishes warnings or instructions in the local gazette, but has no means of knowing if they are attended to, and I have met with instances where reports were made that such and such precautions had been adopted in obedience to such instructions, when on subsequently visiting the locality I have found that nothing of the sort had been attempted.

20. Reports have in the majority of instances reached me long after an outbreak of disease had done its worst and was dying out or had passed out to adjacent villages. The impossibility of obtaining early information of disease, or of fixing its precise locality, has been one of the greatest difficulties I have had to contend with. This and the fact that I have never been able to have the advantage of a Collector's presence with me, and that natives would not produce their sick animals to be treated by me, has compelled me in great measure to confine myself to inquiry into the nature of the disease in each locality I have visited, and to advise the Collector of the best method of treatment, medical or preventive.

21. Had I continued in office I had hoped to have overcome both these difficulties, which have caused me much disappointment and regret; for I believe that much more may be done by actually demonstrating to the natives how good a result follows the adoption of judicious preventive measures, combined with careful treatment, than by distributing medicine which is mostly improperly used and usually to

the exclusion of anything like precautions to prevent contagion, and therefore I think too often doing a great deal of harm.

22. As a result of my investigation, I find that, although very many different names are given to disease in different districts, in reality three maladies only prevail to any extent at present, viz., Rinderpest, Anthrax, and Foot and Mouth disease, and that the two former only are the causes of the mortality among cattle in the Madras Presidency.

23. Some idea of this mortality may be derived from the number of deaths that have been reported to me from 1st April 1874 to 31st January 1875 of animals attacked with these diseases, viz., of 32,947 animals suffering from Rinderpest, no less than 19,285 are reported to have died; and of 1,976 attacked with Anthrax, 1,467 died. The reports sent me are in many respects imperfect, and the figures are, I fear, not very reliable; but I have as far as possible reduced them to a tabular form. Formidable though they appear, I fear the amounts recorded cannot be considered to represent the full extent to which disease has prevailed.

24. The Rinderpest or Cattle Plague of Europe, I have met with under the local names "Saraku," "Vekkai," "Dommai Musara," "Vaisury," and "Doda Roga," &c. It has prevailed in North and South Arcot, Bellary, Mysore, South Canara, Chingleput, Godaverry, Kistna, Kurnool, Malabar, Nellore, Salem, and Trichinopoly Districts, and I believe still exists in every one of these localities; a smouldering fire ready to break out again with redoubled virulence so soon as circumstances favor its extension.

25. The disease has already been fully described by my predecessor in many reports, and most accurately in the manual before referred to. I have had many opportunities of verifying this description, but have met with no unusual features in its appearance.

26. I have availed myself of every possible opportunity of making *post-mortem* examinations, and, though finding in every instance characteristic signs of this particular malady, have seen no variations that merit record.

27. Its outbreak in a village is almost invariably traced by the natives themselves to contagion through cattle mixing on their grazing grounds with those of adjacent villages, or with those belonging to travellers among which the disease already exists, and in my opinion, this is in reality almost invariably, if not solely, the method of propagation.

28. There can be no doubt that there is an incubative stage of the disease, i.e., a latent period between the time of contact with a

diseased animal and the manifestation of the malady by observable symptoms of ill-health, and that during this time it may by contagion be communicated through a thus apparently healthy animal mixing with others of a herd. The system of segregation advised in the manual under the heading "Rinderpest" and also in the chapter on the "Contagious diseases and their prevention" is calculated to meet this danger, and if properly carried out, is most efficacious in the repression of contagious disease in localities where it has already shown itself.

29. I have found however that natives will not carry it out in its integrity, mostly contenting themselves with the obviously inadequate measure of separating the sick from the healthy, and that often only by keeping one shed of the village, probably in close proximity with those used for the healthy, to be occupied by them. Any excuse, such as rain, wind, too much sun or cold is taken advantage of as a reason why the healthy should not be turned out, whereas the risk the animals would really be exposed to on such account is infinitesimally small in comparison with that they run through chance of contagion.

30. The system of housing the cattle in the villages is most favorable to the spread of any infectious malady, more particularly when, as is too frequently the practice, the sick and healthy are kept together in their usual stalls.

31. Notwithstanding their knowledge of the contagious nature of this disease, natives in the most reckless manner drive the sick so long as they can walk to pasture with the rest of the herd, and too often the poor suffering brutes are left to die where they fall, as frequently as not as much through sheer starvation as from the effects of the disease.

32. In many cases I have been told it is useless to trouble about them, or to give any medicine, because if their time has come they must die, or if not, they will recover of themselves. In other villages they have stated that they are afraid to anger the deity who is supposed to have inflicted the disease, lest a greater calamity be brought upon themselves.

33. In some few instances, native remedies of an appropriate nature have been used with success, but, in the majority of cases, the remedies employed have been useless. In one report it is said that oil was poured on the head and in the ears of the animals, and that this prevented their being attacked with the disease.

34. The best course of medical treatment of Rinderpest has been proved to be, firstly, the administration of a mild aperient in the early stage when constipation of the bowels is mostly present. This I have found to be the case in most instances of the disease as seen by me,

and the effect of the aperient has been frequently found by me to cut short the disease. Excessive purgation must be avoided, and it is therefore better to give small doses and to repeat them at intervals till the desired effect is produced. Castor or linseed oil, sulphur and salt, are the drugs most suitable and most easily procured.

35. Mr. Thacker appears to have adopted this mode of treatment in this stage of the disease, but has omitted to notice it in the manual. Future editions should be corrected as this is important.

36. In the second stage of the disease, the treatment should be to keep the purging in check but not to stop it entirely. This is easily effected by the judicious use of astringent drugs combined with advantage with a narcotic to relieve the pain; catechu, chalk, galls, opium or datura being the most useful agents for the purpose.

37. The strength of the animal needs support in consequence of the rapidly debilitating effect of the disease, and the inability of the animals, through soreness of the mouth, to feed themselves. They should therefore be drenched two or three times a day with congee, which may be made from any grain the animals are accustomed to, but of rice or wheat flour in preference. A stimulant such as arrack added will be found decidedly beneficial, and the congee will be the best medium for the administration of the necessary medicines.

38. Febrifuges such as nitre, camphor, and chiretta with sal ammoniac are useful in all stages of the disease.

39. Good nursing and the most scrupulous attention to cleanliness are important to prevent the breeding of maggots about the eyes, mouths, and posteriors of the sick.

40. The cost of treatment in comparison to the value of the animals has frequently been urged to me as a reason for its neglect, and at first sight with some apparent reason, but I believe that when judiciously adopted in the majority of instances it will be found that the increased number of recoveries will much more than compensate for the outlay.

41. To be of benefit treatment must be begun early and perseveringly continued throughout the various stages of the disease in spite of the most discouraging symptoms. The disease as a rule certainly in this country assumes a milder type than is usually met with in Europe, but a large proportion of fatal cases must be expected whatever system of treatment be adopted.

42. I am decidedly of opinion that the medical treatment of animals suffering from contagious diseases, without the simultaneous

adoption of precautionary measures to prevent their spread, is wrong in principle and calculated to do harm by increasing the risk of contagion, through prolonging the lives of the diseased and by the necessary handling of them and probably of the healthy also by their attention.

43. The system of segregation has already been stated by me to be the most efficacious of repressive measures. This and other necessary precautions are fully detailed in the Manual of Cattle Disease, and consequently do not need further notice from me.

44. I have found that the very necessary precaution of disinfecting and burying the excreta of the sick is not sufficiently attended to, and also that the carcasses of animals dying of disease are invariably given to the chucklers, who by taking the flesh to the vicinity of the cattle in the village may thereby communicate the disease.

45. The hides are also always preserved, and have doubtless frequently been the cause of outbreaks from village to village. It has been found necessary in foreign Europe to entirely prohibit the hide trade during epizootics of this sort for the same reason. The safest plan is of course to destroy and bury the hides with the carcasses, but where it is considered advisable to save them, it may be safely done if they are at once tanned, or, where this is impracticable, dried by exposure to sun and air for at least three weeks in a place where neither men nor animals can come in contact with them.

46. Natives are so little to be depended on in matters of this sort, that I have hitherto thought it necessary to recommend the destruction of the skins of all animals dying from contagious disease.

47. Eating the flesh is known in Europe to have caused disease in man, but I have heard of no cases where it has proved hurtful in India. Probably the thorough cooking it undergoes in the process of curry-making renders it innocuous.

48. It has been asserted that the outbreak of Rinderpest is contemporaneous in any country with that of cholera; I have no means of judging whether Rinderpest has been unusually prevalent during the past year, but its simultaneous existence with the late prevalence of cholera is worthy of note.

49. In 1866 "Act No. II of 1866" entitled "An Act for the prevention of the spread of cattle disease in the Madras Presidency" was passed by the Governor of Fort St. George in Council. This it has never apparently been thought expedient to put in force as yet, but it will, I think, be found that without some such

special legislation, nothing really effective can ever be done in the way of preventing the spread of Rinderpest.

50. During the past season, I first heard of the existence of this disease in a letter from the Collector of South Canara, dated 9th April 1875, from whose description I was able to recognize the disease, and replied accordingly, advising a trial of the course of treatment laid down in the Manual, but, in particular, directing attention to the necessity of preventive measures, such as segregation, &c. It was not considered advisable that I should then visit the locality on account of the difficulty of getting about during the early part of the monsoon, successive reports have been sent me from various parts of this district. The treatment recommended does not find favor with the natives, and the system of segregation has never, I think, been thoroughly carried out, and the disease, which for a time appeared to have abated, has spread from village to village, and still exists in the district. The contagious is almost invariably recognized by the natives as having come from animals brought down the ghants, but preventive measures are confined to separating the sick, and although medicine has been sent, and is reported to have been tried, it has had little or no effect on the rate of mortality.

51. Early in May I by chance heard of the existence of cattle disease in the Chingleput District, and on inquiry, being informed by the Assistant Collector that he had had personal experience of its existence in the Trivellore Taluk, I determined to visit that locality. After some days' inquiry there, I found it still prevailed in the village of Nagalapuram.

52. My inquiries on arrival there soon convinced me that Rinderpest was indeed the cause of the mortality, but it was some time before I succeeded in getting the natives to produce a sick animal for my inspection. The owner consenting reluctantly to my treating it, though at first sight it was a very unfavorable case, being already far advanced in the dysenteric stage of the malady, it fortunately soon showed signs of amendment, and as a consequence, one or two others were brought me to treat, until eventually I got together nine, among which were a very emaciated buffalo and a small calf whose mother had died of the disease some days before; these two were hopeless cases, and died, the buffalo the same, the calf the next day. The remainder I had the satisfaction of leaving convalescent when summoned to Cuddapah five days after on account of a more serious outbreak in that district.

53. Nothing I could do or say, however, would induce the villagers to try the removal of the healthy from the village, nor indeed to separate the sick, except those treated by me,

and which were picketed near my tent in a tope which I had chosen with a view to get them thus isolated, (and even these were taken back to the village before I left the ground), but in the most reckless manner the herds were pastured in the fields around these, and often spite of my orders animals were permitted to stray into my camp and come in contact with the sick.

54. I received a subsequent request from this village for more medicine, and shortly after information that no more animals had died, and that the disease had ceased, but from other villages in the vicinity, I have since had reports of similar disease evidently spread there by contact with diseased cattle, and from one it is reported that all the animals attacked died in spite of the medicine sent by me having been administered, but the symptoms described are evidence that the animals were neglected, and died from exhaustion and irritation caused by starvation and the breeding of maggots.

55. In the Cuddapah District, near Rai-choty in two hamlets, I saw several cases of this disease, but evidently of a milder type. I was informed that medicine had already been received from the Collector, but had been used in vain. I saw two carcasses lying outside one of these hamlets unburied, and, on pointing out the risk of leaving them thus exposed, was told that through some village superstition they were afraid to bury them for fear of the anger of their deities. An examination of these carcasses confirmed my diagnosis of the nature of the disease. A supply of medicine was left here, and was used "with some good effect" I learn.

56. At Muddenpilly the disease had greatly abated on my arrival there on the 28th May, but I succeeded in seeing one or two cases. These animals I could not induce the owners to remove from the village, but they allowed me to give them medicine, and with apparent good result.

57. As the Acting Collector was present at this place, I purposed remaining there, hoping his influence would get me patients, and that he might succeed in getting some sort of segregation adopted, but on the 30th May I received orders to proceed at once to Bellary, Rinderpest having attacked the Commissariat cattle there. I was therefore compelled to content myself with leaving a supply of medicine with instructions as to the best measures to be adopted.

58. "Somewhat favorable" results have been since reported from this district as to the effect of the medicine, and it is also invariably stated that "segregation has been attended to," but the loss of cattle has been great, and the disease still exists in the Paliyenda Taluk.

59. I was in communication with the Collector and about to start to meet him in this part, when removed to other duty in December.

60. The outbreak among the Commissariat cattle at Bellary has already been separately reported on by me. The disease was undoubtedly brought into the cantonment by some of the cattle engaged in taking invalids to Ramandroog coming in contact with diseased animals at Courtenay and other villages on the road, where the disease had been raging, but of which no report had been made. The history of this outbreak, which but for the energetic measures adopted by the officer in charge of the animals might have proved a serious one, shows the necessity that officers in charge of Government cattle should, as far as possible, be kept informed by the civil authorities of the existence of cattle disease in villages in the vicinity of military cantonments.

61. While engaged on this duty in Bellary, I also made inquiries as to the existence of disease in the district, but, although it was reported that some time previously murrain had prevailed, from information then available, it appeared to have nearly died out, and it was considered unnecessary for me to remain there on that account after the 18th June, and I accordingly returned to Madras.

62. During Jane application was made to me by the Collector of South Canara for medicine. This was supplied and attention once more directed to the preventive measures necessary for Rinderpest in the Udip Taluk.

63. I also received a report from the Collector of Trichinopoly of diarrhoea which had prevailed in the Museri Taluk in the month of April, but which had however apparently ceased. This I considered another outbreak of Rinderpest, and wrote and advised accordingly.

64. It was reported also to have been in the Coimbatore District, but had ceased before the information reached me.

65. In the Salem District it appeared by the farms reports sent me to be still in existence, and although in every report it was stated that segregation had been attended to, and Dr. Thacker's medicine had been given, no good result appeared to have followed, and I resolved to see for myself how matters here stood. I accordingly left Madras for Oossoor on 4th July and visited all the villages, viz., Morasur, Killamungalam, Odenapilly, Tuppaganapilly, Bettiganipilly, and Koorawarapilly, in which I could hear of any sickness.

66. No attempt had any where been made even to remove the sick from the herd. My offers to treat them or to give medicine were invariably declined, and a high wind which then prevailed was given as a reason why

segregation could not be tried; several opportunities were found for making *post-mortems*, but the disease appeared to be dying out, so, in consultation with the Assistant Collector, it was determined that he should endeavour to induce the ryots to give a further trial to the medicine and also advise some precautionary measures, and that I should revisit the locality later in the season if necessary, and I returned to Madras on the 16th July.

67. When again at leisure early in December I was informed that disease had there entirely ceased.

68. Reports now reached me of some mortality in the Bellary District, but too late for a visit, and the proper measures appeared from the reports to have been adopted.

69. From Tanjore also I received reports of Rinderpest, Anthrax, and Foot and Mouth Disease, and, in reply to my letter advising the necessary precautions, I was informed that a visit was not required.

70. Diarrhoea was also reported to have prevailed in the Kurnool District in the Ramulkota Taluk, and, though it had apparently ceased, the disease being evidently the Rinderpest, I wrote to advise precautions and the necessary treatment in anticipation of its re-appearance in the neighbourhood. It did extend to several villages, and segregation is said to have been tried, as also the medical treatment advised, and, though some mortality occurred, the disease has, I believe, now disappeared.

71. From North Arcot and Vizagapatam reports of small outbreaks which had died out also came, and were acknowledged with similar warnings, as likewise one from the Godaverry District. It has not spread to any extent in either of these localities.

72. I was in communication with the Collectors of Bellary and Cuddapah with regard to the advisability of a tour in those parts early in August, when I received orders to proceed to Wynnaad to investigate a disease among the cattle on coffee estates near Vythery. While engaged on this duty I found that disease prevailed to a great extent among the cattle belonging to the villagers in the neighbourhood of these estates, and my report thereon has already been submitted for the information of the Board.

73. The very unmanageable character of the cattle of this Taluk, their small value in comparison with that of the medicine necessary for their treatment, and the extreme unwillingness of the natives to be guided by my advice, rendered a prolonged stay there unadvisable, and I once more returned to Madras on 30th August.

74. During the month of September I received reports from the Nellore and South

Arcot Districts, but in both instances the disease had ceased before the information reached me. Disease was still reported from the Bellary District, but everywhere it was said segregation was put in practice and medicine sent. In consequence of its apparent increase towards the end of the month I thought it best to make a journey in that direction, and left Madras on the 12th October.

75. Visiting the Bellary, Hurpanhally, Havinhadagally, and Kudligi Taluks, I once more found the disease fast dying out. Nowhere could I find more than one or two sick animals. Leaving medicine and explaining in every case the necessity of preventive measures, I visited each village in which I could hear of disease. In two instances I found attempts at segregation, but the good likely to result was nullified through the obstinacy of one or two individuals, who refused to turn out their cattle.

76. Reports of disease from other parts of the district, but where it also appeared to be on the decrease also reached me, but fully persuaded of the inutility of going there without the Collector or one of his Assistants, who were just then otherwise pressingly occupied, I again returned to Madras on the 5th November.

77. During this month Rinderpest made its appearance in South Arcot, and medicine was supplied, but on inquiry I found a visit was useless, the disease having ceased by the time the report reached me.

78. From Trichinopoly and Godavery, further reports of diarrhoea were replied to with warnings that the disease was the Rinderpest, and that measures to prevent its spread were necessary. I was unable to go to so great a distance from Madras, on account of my services having been placed at the disposal of His Excellency the Commander-in-Chief for duty at the Presidency during the visit of His Royal Highness the Prince of Wales, and no other call for my services having been received in the meantime, I assumed charge of the horses of the Detachment of the 16th Lancers and 18th Hussars, on 1st December, and on the 23rd December, in accordance with orders of Government of India, reported myself to the Officer Commanding His Grace the Governor's Body Guard for Military duty with that corps.

79. Anthrax:—Under the headings Haematuria, Splenic Apoplexy, Inflammatory Fever, and Malignant Sore-throat, are described in the Manual of Cattle Diseases, so many different maladies, in their nature essentially the same, but exhibiting themselves externally under so many various forms depending on local causes.

80. They belong to a type of disease or

blood-poisoning called anthrax, consisting in a special alteration of the elements of the blood, a vitiation rendering it unfit for the performance of its particular functions, *viz.*, the nutrition of the tissues, and the maintenance of the life of the animal.

81. This change is said to be invariably characterized by the presence in the blood of numerous minute organisms called Bacteria, but whether these are the cause or only a consequence of the specific alteration is at present a disputed question among pathologists. It would, however, appear that their presence in the blood may be considered a proof that it is capable by inoculation of producing similar disease in other animals, or even in man. It is on this account dangerous for human beings to handle or to eat the flesh of animals dying from this class of disease, and I have already brought to the notice of the Board an instance where several men, two of whom died, were in the South Arcot District attacked with disease in consequence of their having flayed or otherwise handled the carcasses of sheep which had died from a malady, the local name of which is "Terriyan," but which is easily recognized as belonging to the anthracoid class of diseases.

82. The chief causes which bring about these diseases are said to be increased barometrical pressure, fog, and excessive humidity followed by excessive heat. It is frequent in countries exposed to inundations, or where water stagnates in the soil or on its surface, more particularly where animals are exposed to the miasmatic emanations and effluvia generated in such localities during the heat of the day, or are fed on the rank herbage which usually grows there so plentifully.

83. In almost all parts of this Presidency, these causes may be found in full operation, and with the habitual use for cattle of half-dried tanks, the water of which is loaded with decomposing organic matters, animal as well as vegetable, for drinking purposes, may fairly be considered a fruitful source of disease.

84. The constant presence in villages, in the close vicinity of the cattle sheds, of vast accumulations of filth and rotting manure, the stench from which is only too palpable to the olfactory nerves of any less accustomed to live there than the natives themselves must also be another cause of blood-poisoning.

85. The filthy practice, repeatedly seen by me, of permitting the cattle (I may fairly say of encouraging them) to feed on human excrement, cannot fail to be prejudicial in the same manner. It certainly has much to do with the extraordinary prevalence of entozoa in these animals, and no one who has not had similar opportunities to those I have lately had for making post-mortem examinations of cattle could believe the fearful extent to which here

creatures (in particular the hydatid forms of tape-worms) infest the domestic animals in this country. This is an important matter in connection with the meat-supply, and the prevalence of entozoa in man, and requires much further investigation.

86. Many outbreaks of a disease called "Adippam" or swelled throat have been reported to me, and these I easily recognized from the symptoms described as a form of Anthrax. Unfortunately the disease runs its course so rapidly, that it has almost invariably, simultaneously with the first intimation given of its appearance, also been reported that the disease has ceased, and I have consequently had no chance of seeing animals thus attacked. When in Wynnaud however I had an opportunity on one of the coffee estates of making a *post-mortem* on the carcass of a bullock which, with a view to eating the flesh, had been brought there from an adjacent village by the coolies, and then found full confirmation of my opinion of the nature of the disease in the appearances met with. These were precisely similar to those I had frequently seen in *post-mortems*, and horses dying of Loodiana fever, which has within the last few years been a cause of considerable mortality among horses in the military service; I saw a great deal of this disease at Secunderabad in connection with an epizootic of typhoid fever, depending, I am inclined to believe, on similar causes. The horse lines occupied for years past by the various mounted corps being altogether undrained, the soil must have become saturated with organic matter, from urine, &c., in which under certain favorable circumstances a peculiar decomposition is set up, the emanations from which are capable of originating disease, add to this the frequent too close proximity of manure heaps and possible contamination of the water-supply, and we need, I think, look no further for the cause of these outbreaks.

87. Doubts have been expressed whether this disease is contagious in the horse; I have myself seen such abundant and undoubted evidence that it can be so communicated, that I can no longer question the fact. It is so reputed on the Continent in all animals, but a doubt has been raised in England where the disease is now seldom met with in this form, and this it is, I imagine, which has caused Veterinary Surgeons in India to doubt also. It is usually considered contagious by native cattle-owners, and, although they are indubitably far behind in the treatment of disease, their powers of observation are great, and they are, as a rule, extraordinarily clever at diagnosis, and their ideas on this point are, I think, worthy of some consideration.

88. I have already alluded to what I consider another cause of predisposition to this class of disease, viz., partial starvation followed by superabundance of rank food. It will

usually be found that the fattest and most robust of the herd are the first to be attacked with anthrax, and these also most easily fall victims to it.

89. In a malady of this sort, next to nothing can be hoped for from medicinal treatment. Unless given very early after the attack, medicines cannot be swallowed, and so rapidly does the disease run its course, that there is seldom time for any effect to be produced by them.

90. On the other hand, the removal of the herd from the particular local influences which bring about the peculiar change of the blood which is the cause of the disease, with entire change of diet, seldom fails to put an end to the outbreak. The adoption of segregation and fumigation is also desirable as a prophylactic measure.

91. The judicious use of salt with the animal's food has been found very valuable in Europe, and would, I am sure, prove equally so in this country as a preventive of this class of malady.

92. Immediate investigation on the spot of the probable causes of an outbreak and promptitude in carrying out the necessary preventive measures are absolutely required to cope with diseases of the anthracoid class, and here also the need of early information is apparent.

93. A competent professional man armed with the necessary power, or backed by the presence of a civil authority who could enforce obedience to his recommendations, could do much to lessen the mortality and check the ravages of such enzootics, but without such power I regret to say my experience leads me to believe he could do nothing.

94. When in the Trivellore Taluk in May making inquiry as to the existence of Rinderpest in the neighbourhood, I heard that many sheep had recently died at the village of Ecar, and had the opportunity of seeing some four or five in different stages of the malady, and also of making a *post-mortem* on the body of one which died while I was present.

95. Water was very scarce at the time, and what there was I found foul and stuiking. The sheep were fed in the dried-up beds of the tanks for want of better pasture, and the symptoms and *post-mortem* appearances plainly indicated blood poisoning of the anthrax type.

I advised the separation of the sick and a change of pasture (if possible) for those not already suffering, but doubt if any attention was paid to my advice, though I have since heard that the disease has entirely disappeared.

96. In another village I found the cattle suffering from large boils due to similar causes, and these I was told frequently ended by causing the death of the animal. I should have

wished to have seen more of this form of the disease, which, though not hitherto described as seen in this country, is a common mode of its manifestation in Europe, in particular, when affecting man, but a more serious outbreak of disease elsewhere called me away, and when again at leisure this also had disappeared.

97. I have endeavoured to tabulate the reports received by me of outbreaks of anthrax in a similar manner to those of Rinderpest, but the Returns are imperfect, because it so frequently happens that the two diseases are collectively, instead of separately, reported.

98. Epizootic Aphtha or "Foot and Mouth Disease" has apparently been less prevalent than usual during the past season, or perhaps more probably has not been considered of sufficient importance to be reported to me.

99. I have heard of it from Tanjore, Godavery, Malabar, and Kurnool. From South Canara, Vizagapatam, and Godavery some mortality is reported from this cause, but Rinderpest has also been prevalent there, and it would, I think, be found that this was the real origin of the fatal cases. In Wynnaad I saw this disease, and learned that it commonly prevails there. I have also in other parts seen it among herds belonging to villages where I was assured that no cattle disease existed.

100. It is highly contagious, and, in my opinion, it is invariably by contagion that it appears in a herd, and the same measures that are advised for the repression of Rinderpest and Anthrax will be found applicable in epizootics of this particular kind.

101. It is only in very exceptional cases that the life of an animal is endangered by its being attacked with this disease, and the sick in reality require little or no treatment beyond nursing and ordinary attention to cleanliness, but, as a rule, they are shamefully neglected by their native owners, and maggots are allowed to breed in the sore, or the animals which are unable to graze from the soreness of their mouths are still driven out with the herd and left to feed themselves or starve; draught bullocks are kept at work regardless of their being lame, or in other cases irritating drugs are used, and as may be expected many fall victims to this maltreatment.

102. In Proceedings of Government of 2nd November 1875, Cattle No. 7, a report on this disease by Colonel H. N. Davies, Madras Staff Corps, is published. With reference to this, I beg respectfully to remark that although the remedy prescribed for local application is as good as can be used for the treatment of the sores, that this officer is altogether mistaken in his ideas of the nature and causes of the disease.

103. Veterinary Surgeons are agreed that it is a peculiar contagious fever, characterised

like small-pox or measles by a particular form of eruption, in this instance usually confined to the feet, mouth, and udder. It does not invariably first show itself on the feet, and although "microscopic infusoria" may very possibly be found about the corona and clefts of the hoofs, they certainly cannot be the cause of the disease. He is also mistaken in imagining that in England and on the Continent "death is the only prescription." Animals imported for the meat markets are by law condemned to slaughter at the port of landing if found infected with this or other contagious malady, or to have been in contact with animals so affected, but I am unaware that slaughter had ever been adopted in India to root out the disease, nor do I think it either necessary or desirable that it should be. Of the highly contagious nature of epizootic aphtha there can be no doubt, but it is often associated or confounded with foot-rot, a local disorder of a totally different character. Where medicinal treatment is considered desirable, the simple course advised by Mr. Thacker in the Cattle Disease Manual will be found all that is necessary.

*Concluding remarks.*—Since my transfer to military duty I have continued to receive reports from various quarters to which I have replied when necessary, and I have included in the returns appended all which reached me prior to the 1st February.

During January I also complied with a requisition from the Collector of Trichinopoly for medicine for diarrhoea and dysentery. I also advised the immediate adoption of segregation, the disease being evidently the Rinderpest once more.

I cannot refrain from expressing my regret that during my tenure of the office of Inspector of Cattle Disease, I was able to effect so little in checking the spread of contagious diseases in the Presidency, while convinced that if I had been able to enforce obedience to my recommendations so much might have been done, and I would once more respectfully repeat my opinion that (notwithstanding what was formerly done by Mr. Thacker) natives will now be found too prejudiced and too apathetic to act on the advice of a professional man, unless he be himself armed with power or accompanied by some official who can ensure obedience to his instructions. A small staff of trained assistants is also necessary, one of whom could be left at each village or district in which disease to any extent might be found to exist. These might be selected from future students of the Sydapat Agricultural College who, after their preliminary education there, would with a few months' practical training, be able to do much more good than can be hoped for from the present system of distributing medicine and leaving it optional with the natives to adopt pre-

ventive measures. Under the provisions of the Act already referred to, they would be able to carry on the measures inaugurated by the Inspector after he had ascertained the causes and necessary preventives, thus leaving him at liberty to proceed elsewhere when necessary, whereas without such assistants his work would be undone by the natives returning to their own do-nothing system immediately on his departure. Immediate reports, direct to the Inspector from the village on the appearance of the diseases, should also be made compulsory, the telegraph being employed wherever available.

(Signed) G. WESTERN, Vety. Surg.,  
*His Grace the Governor's Body Guard.*

With the foregoing letter the Inspector of Cattle Disease, Veterinary Surgeon G. Western, submits his report for ten months ending with the 31st January 1876.

2. From time to time the Board have had occasion to congratulate Mr. Thacker upon the success which has attended his treatment, but this report, although it bears ample testimony to the value of the remedies hitherto employed, shows only too clearly that, in spite of all that has been done, no permanent improvement has taken place in the treatment of their sick cattle by ryots left to themselves. Mr. Western describes the difficulties which he has met with in every case where he has prescribed, and complains that, being unable to enforce his orders, his efforts are often vain. He recommends the application, in case of outbreak of disease, of Act II of 1866 (Madras).

3. The returns contained in the statements which accompany this report show that the mortality among cattle attacked is very great. Of 1,976 cattle seized with anthracoid disease, no less than 1,467 died, and of 32,947 attacked by Rinderpest, the deaths numbered 19,285. The Board are convinced that a very large proportion of the cattle which succumbed might with proper treatment have been cured. They are equally satisfied that it is useless to hope for any improvement on the part of the ryots unless they have some one to guide them. The Board have recently addressed Government upon this subject in their Proceedings dated 21st March 1876, No. 798.

4. Regarding Mr. Western's proposal to introduce the Cattle Disease Act in infected districts, it is observed that when this course was suggested in 1869, strong opinions were expressed by certain Collectors against the application of the enactment (see G. O., dated 24th June 1869, No. 1,790), and that in this view Mr. Thacker concurred. The Board, however, are disposed to believe that the circum-

stances of some districts demand some more powerful sanction than the general advice and guidance of the Revenue Officers, and that the application of the provisions of the Act may be desirable in certain localities at certain times. It is not, of course, possible to lay down any general rule: the attention of Collectors being again particularly drawn to the subject, the Board would leave it to them to apply for sanction to introduce the Act whenever they may deem it necessary to do so.

5. The Board desire that Mr. Western will accept their thanks for his interesting report, which will be submitted, together with these Proceedings, for the information of Government with the suggestion that it be laid upon the Editors' Table.

(True Copies and Extract.)

(Signed) E. GIBSON,  
*Acting Sub-Secretary.*

Order thereon, 15th June 1876, No. 805.

Ordered that the report be placed on the Editors' Table. The Government observe that further report has been called for on Board's Proceedings, dated 21st March 1876, No. 798 (*vide* G. O., 25th April 1876, No. 544). Its early submission is awaited.

2. The Board's proposal in paragraph 4 is approved.

(True Extract.)

(Signed) D. F. CARMICHAEL,  
*Secretary to Government.*

#### TREASURE DISCOVERED WHILE EXCAVATING A CHANNEL IN THE KISTNA DISTRICT.

*Proceedings of the Madras Government, Revenue Department, 28th June 1876.*

Read the following Proceedings of the Board of Revenue, dated 12th June 1876, No. 1,535:—

Read again Board's Proceedings, dated 5th and 28th April 1876, Nos. 930 and 1,129.

Read also the following letter from G. D. LEMAN, Esq., Collector of the Kistna District, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated Masulipatam, 18th May 1876, No. 784:—

Referring to Proceedings, No. 930, dated 5th April 1876, I have  
• 6th May 1876, No. 98. the honor to submit copy of a letter\* from the District Judge, and to request further instructions.

[August 15, 1876.]

## ENCLOSURE No. 1.

From H. J. STOKES, Esq., Acting District Judge, to G. D. LEMAN, Esq., Collector of the Kistna District, dated Guntoor, 6th May 1876, No. 98.

With reference to your letter No. 660, dated 2nd May 1876, reporting under Regulation XI of 1832, that you are in possession of certain hidden treasure, and offering to forward it to this Court, I have the honor to inform you that I do not think it necessary that the property should be sent to this Court. Under the Regulation (Section 8) it is the finder who is bound to give notice and deposit the treasure. In the present case the finder has forfeited his right, and the Collector has acquired possession of the property on behalf of Government, the ultimate owners of unclaimed property. The Regulation does not appear to me to contemplate or provide for the case that has arisen.

(True Copy.)

(Signed) D. PURUSHOTTAMAYA,  
Deputy Collector.

In his letter recorded in the first of the foregoing Proceedings, the Collector of the Kistna District reported the discovery of nine gold ingots of the estimated value of Rupees 53,240, which, upon a search being instituted in consequence of information received by Mr. Leman, were found buried on the premises of one G. Naraidu.

2. The Collector was directed to proceed under Regulation XI of 1832, and to report the award in due course, the Board being of opinion that it was the province of the District Judge to adjudicate in the matter. The Collector now reports that the District Judge is of opinion that there is no necessity for any award of the Court, as the finder has forfeited his right and the Collector has acquired possession of the property on behalf of Government, the ultimate owners of unclaimed property.

3. The Board consider that under Section 8 of the Regulation an order of the Court is a necessary preliminary to confiscation, but as the District Judge does not concur in this view, the Board resolve to submit the matter for the orders of Government. Mr. Leman having promised that the claim of the finders to such a share as they would have been entitled to had they given notice as required by law would be supported if they pointed out where the ingots were buried, the Board recommend that the four ingots at first produced by them be restored, the others to which they have no claim, as they denied their existence, being confiscated. The Board also recommend that some reward be granted to Mr. Carlier, through whose information the discovery was made.

4. As the District Judge does not concur in the Board's interpretation of the law, the orders of Government are requested as to the course to be pursued, should any similar case arise in future.

(True Copies and Extract.)

(Signed) C. A. GALTON,  
*Acting Secretary.*

Order thereon, 28th June 1876, No. 863.

As recommended by the Board, the finders must receive four ingots—which constitute, in fact, the remuneration rendered by the Collector, to induce them to make any disclosure whatever.

2. Mr. Carlier should receive Rs. 1,000 for his services.

3. In future cases, Collectors must apply to the Judge for confiscation more formally than Mr. Leman has done. The Judge's reply to his letter is, however, sufficient sanction in the present instance.

(True Extract.)

(Signed) D. F. CARMICHAEL,  
*Secretary to Government.*

## MISCELLANEOUS.

## LEAF DISEASE.—CEYLON.

It was with a deep sense of disappointment we read the few lines of the Report of the Planters' Association Committee regarding leaf disease, in which we are simply told that they are unable to account for the origin or cause of the pest. This was the only result of the Committee's enquiries on a subject which has been foremost in the thoughts of planters for years past. We had expected that, at any rate, a collection of data would have been brought together, which, if not conclusive as to cause an origin, might have served as a base of further observation and research.

It was the more important that some information should have been brought together on this question inasmuch as we are told that certain opinions have been pretty freely given in a quarter where they are likely to influence deliberations on railway extension far more than any imaginary partisanship of a junior Lord of the Treasury. We have endeavoured to gather data on this subject from a variety of quarters, and, although we have been but indifferently furnished with replies, we have nevertheless obtained some information, which however much at variance with all previous theories, is extremely interesting as showing beyond a doubt that harmful as the pest may

be during its visitation, it is not so lasting in its effects, or nearly so much to be dreaded as some would have us believe.

We are glad to have it in our power to state that this opinion is shared by Mr. MacIvor now on a visit to the interior of Ceylon after a residence in India of about a quarter of a century. This gentleman, as our readers are doubtless aware, is the Government Superintendent of Cinchona plantations in South India, and is now on a visit of an entirely unofficial character. Mr. MacIvor has had good opportunities of observing the progress of coffee planting in South India, and is naturally desirous of noting and comparing the interests of Ceylon with that of the Indian Peninsula. He has spoken most decidedly in regard to the unsuitability of much of the land about the vicinity of Nuwara Eliya for cinchona, and strongly urged a gentleman who had felled a hundred acres of forest to devote it to some other purpose. Tea, he believes, will grow at that altitude, but whether profitably or not he has not said. Mr. MacIvor regards the appearance of frost so generally about our Sanitarium as very remarkable, Ootacamund does not suffer from this in nearly the same degree, but whatever the cause, there is no question in his mind that the fact is inimical to the cultivation of certain products. Coffee is far less susceptible of severe cold than cinchona, the only question in the case of the former being the altitude at which it will bear a profitable crop, and with regard to that there is no doubt that aspect and locality must be taken into account at the same time as altitude.

To planters, however, by far the most interesting opinion given by Mr. MacIvor is that, in reference to leaf disease, unlike the Director of our Botanic Garden, he has no fear of this being more than an ordinary visitation, serious in its immediate effects on crop, but not to be dreaded in its ultimate consequences on healthy, well-cared-for coffee. He declares that he has known of its existence in South India for upwards of twenty years, and is certain it is not confined to one plant: indeed he pointed out the appearance of the fungus on some tea plants at Nuwara Eliya. In his opinion we need be under no apprehension about coffee being killed by leaf disease if estates be maintained in good condition, by generous careful treatment. Naturally enough estates on poor land or where the cultivation has been neglected, must be expected to suffer, and under such circumstances trees will probably succumb to the disease, but this is a very different result to what has been apprehended in some quarters. Such being the case we are glad to learn that in a few days Mr. MacIvor will meet Sir William Gregory in Nuwara Eliya for the purpose of accompanying His Excellency to Hakgalle, on an inspection of the cinchona

gardens and other objects; we have little doubt but that an opportunity will present itself for submitting his opinion of leaf disease to the Governor. In this way we may hope that the alarm previously established in His Excellency's mind and which has probably had its influence on the prosecution of the railway enterprize, may be, if not removed, at any rate considerably modified.

That the feeling in regard to this pest has been much exaggerated, was made clear to our minds some time ago when collecting data bearing on the subject. First amongst those is the fact that estates subject to leaf disease have since borne very abundantly. There is the case in point of the Galoola estate in Madool-sema, once suffering badly from it, and as we believe, the first estate in that district attacked by the pest; yet a few months ago it was loaded so heavily with crop, that the manager, fearful of the consequence of over-bearing, pruned away two or three hundred weights an acre of young berries. We may mention another case, one perhaps more striking inasmuch as the estate in question has never had manure applied to it. A year or two ago leaf disease made its appearance badly on one of two estates which stood by themselves in a corner of the Happotella district: the trees lost all their leaves from the disease, and gave scarcely any crop that season; but, in the following year the estate produced one of the heaviest crops it has ever given. Equally strange to say, the disease did not shew itself on the adjacent property. We have heard of other similarly remarkable cases, but these will suffice to shew that the results of leaf disease are not necessarily so much to be feared as is supposed by some alarmists; we regret very much that the Planters' Association did not collect and give to its members all the data possible, bearing on the subject, as there must be a great deal of valuable information lying scattered about the country, which would be of interest, if not of use, when brought together. We can at any rate congratulate those interested in coffee upon the opinion formed by such a practical man as Mr. MacIvor in regard to leaf disease.—*Ceylon Observer.*

#### THE ORIGIN OF LEAF DISEASE.

(Communicated.)

THOUGH not a coffee Planter, I venture to offer the following suggestions:—

Leaf disease in coffee (*Hemilia vastatrix*, et hoc genus omne) appears to be accompanied by, to be the result of, or to be largely disseminated by various species of fungus. Compare the *Oidium tuckeri*, or vine disease, the *Uredo segetum*, or smut in wheat, and the *Botrytis*, or potato disease. Whether the fungi be cause

or effect, we know that it is always present in these diseases, and that "its growth and multiplication have a large share in the increase and extension of the disorder" (Carpenter), while its reproduction causes the possibility of an indefinite extension of morbid growths. Hence whatever destroys the fungus, destroys, if not the disease or its cause, at least its capability of extension, and may even, by the destruction of the fermentative germ (to borrow an idea from yeast) restore to the diseased plant a chance of health. Sulphur fumigation, as practised in the vine disease, has lately been recommended. But recent experiments suggest a remedy equally cheap, more easily applied, and apparently more certain. Borax (*Tainil, venkaram*) in solution at once kills the spores of fungus: *Oidium tuckeri* (vine fungus) dies instantly under its action: minute animal life, e. g., that of *Rotifera* equally perishes. And just as the researches of Pasteur, and others, have shown that fermentable and putrescible substances may be kept sweet by preventing the access of (fungoid) germs, so their access is no longer harmful if the substances have been protected by borax. The application then of a weak solution of borax to affected plants might be worth trying: a common garden syringe would very thoroughly wash every leaf with but little trouble. The solution should be weak, as even the cell life in the living plant may be paralyzed by this salt: the fungoid growth however would be much more easily affected than the plant itself.

A few words as to cause and effect. It is claimed that the persevering use of sulphur fumigation in the vine-disease has destroyed the fungus, and restored the plague-stricken vineyards to health; that the destruction of the fungus has given recovery and life to the vine. It is also asserted that certain animal diseases, such as thrush, diphtheria, &c., have been, and are communicated by the introduction of (fungoid) germs into healthy subjects. These facts, seem to point to the fungus as the active cause, or at least the essential condition, of these diseases; anything therefore that checks or destroys the fungus *pro tanto* checks or destroys the disease. Hence the necessity for the eradication of the fungus, in which borax would seem to be a most valuable aid. But, even if the fungus is not the actual and essential cause of disease, but merely an invariable associate, its destruction is almost equally important. Even though its presence be secondary to a morbid condition, its action is excitatory; just as "the growth of the yeast plant excites and accelerates fermentation, while its reproduction enables the action to be indefinitely extended," so it is probable that the growth of the coffee plant fungi excites and accelerates leaf disease, while their reproduction facilitates the spread of the plague. Probably two conditions are necessary to the

disease; a morbid state in the plant, that is a subjective condition; and appropriated spores of fungi, that is an objective condition. While, therefore, the destruction of the fungi is an absolute necessity, so also is the proper cultivation of the plant. Plants grown from faulty seed, or from weak self-sown seedlings, are no doubt predisposed to disease, to the reception and development of the spores of poisonous fungus which float in countless millions through the air. So also are plants that have been "forced" or otherwise unnaturally cultivated.

Bearing in mind that fungoid growths accompany, cause, or propagate these diseases, and also that fungi are polymorphic, that is developed variously from similar germs, apparently according to the nidus in which they are developed, it would be well for planters systematically to wage war against all such growths, and against all conditions that would favour such growths. Heaps of decaying leaves, bark, &c., largely develop parasitic fungi and send abroad their spores, which when they find an appropriate nidus in a "chick" on weakly predisposed plants may develop into the characteristic coffee fungus. This is but theory, but that it is not impossible is shown by the fact that the yeast plant (*Torula cerevisiae*) may be developed by showing in an appropriated liquid the sporules of any of the ordinary "moulds" (*penicillium*, &c.) So again, yeast cells introduced into a putrescible animal fluid cause the development of vibrios, while, vice versa, the showing of vibrios in a fermentable fluid gives rise to yeast cells. It is possible therefore that an unsuspected source, e. g., the manure heaps of decaying leaves, or rotting trees, may be the "*fons et origo mali*" on some afflicted estate. And, it is also possible that a fungus, originally harmless, may become poisonous by development in a morbid nidus, and acquire virulence by transmission; *vires acquirit eundo morbiq[ue]* is a not unknown fact in disease.

Seeing that fungi, bacteria, &c., are thus destructible by borax, even a layman will naturally ask whether the salt can be used, as would seem to be indicated, in dressings for wounds, in cleansing hospital walls and floors, and in other sanitary measures. Borax is well-known empirically as a remedy in inflammatory sores and eruptions, such as the sore breasts of a nursing mother, thrush, prickly heat, nettle rash, &c. But hitherto it has not appeared in the list of antiseptics and disinfectants. Yet, if it is so destructive of fungoid and germ growth, of fermentative and putrefactive action, may not its properties deserve a closer study of pathologists, and may it not have a wide field of usefulness before it? What might be its effect in typhoid fever which Dr. Klein now declares to be caused or invariably accompanied by a poisonous fungus which in certain (what?) conditions of the gastric organs invades

their membranes; or what its effect on the microzymes of the small-pox, cattle disease, and other vesicles, or on pus corpuscles, and morbid bioplasm; but I fear that as a layman I am advancing "*ultra crepidam*," and must withdraw.—N.—*Madras Mail*.

## PUBLIC WORKS.

### STEAM-BOAT CANALS.

I WAS employed almost all the time I was in India, on works of irrigation-connected with water transit, and all this time my estimation of the latter has been continually increasing; and my opinion is, that it is at this moment by far the first point in the material improvement of India. In the present state of matters, incomparably more can be effected by the expenditure of money on water communication, than in any other way, even that of irrigation:—*First*, because a system of cheap transit is absolutely essential to the development of India, and that almost the whole country is paralyzed from want of it, and, *Secondly*, because so much has already been done towards the accomplishment of this object, in the vast irrigation works now in progress, that a trifling sum of money expended in connecting and extending those works will produce so greatly disproportionate an effect. This matter of cheap transit is now being so seriously pressed upon other Governments, that decided steps are being taken to provide it in countries where untold millions have been spent upon railways; simply because it is at length realized that railways cannot carry *cheaply*.

Strange it seems, that it should have taken forty-five years, and an expenditure of thousands of millions, before men could find out whether really cheap transit could be obtained by that means or not. The United States are now planning a complete system of internal steam-boat canals. France is extending and improving her whole system of canal and river communication. Germany is projecting such a system from the Baltic to the Black Sea; Russia, from the Baltic to the White Sea.

One fact, to put this matter in a strong light: the present traffic between the Western States of America and the ocean is 10 million tons. Now whether this is carried 1,200 miles by land at one penny per ton a mile—if the railways there can carry at so low a rate—or by steam-boat canal at one tenth of a penny, makes a difference of £45,000,000 sterling per annum; or more, than the whole taxation of the States before the War. And this is on one line of communication only. But this is a small part only of the matter; it is not a question of comparative cost, but whether there shall be this traffic at all. If the Western States were dependent upon land carriage, and had not

three lines of water communication, though imperfect, not one-twentieth of this traffic would exist at all, and the States would be utterly pauperized. Where the markets of the world not opened to their produce by internal water carriage, the condition of the interior States would be that of death compared with their present state of life. And this state of death is now the actual state of India.

To give an instance of this, the price of wheat in the North-West is 3s. 6d. a bushel, or £7 a ton; and the freight and expenses from Calcutta to London are about 1s. 6d., together 5s. The average price in London is 6s. 6d. Now if the cost of carriage inland is 1d. a ton per mile, it amounts on 1,000 miles to 2s. a bushel, making the cost of the wheat in London 7s., so that it cannot be imported till the price in England is much about the average. But if it could be carried at one twentieth of a penny per mile, or 2½d. a bushel, for 1,000 miles there would be a profit of 1s. 3d. a bushel, or 50s. per ton, sufficient to produce an almost unlimited traffic even at the average price of wheat in England; and when wheat is at 8s. here, the profit would be 2s. 9d. a bushel or £5 a ton. This would raise its value in the North-West from £7 to £12, which means increasing the profit on cultivation from £2 to £7 or 3½ fold. Wheat is the staple produce of the North-West, and whether an entirely new life shall be put into the whole of that immense tract, depends upon our giving them steam-boat canals. The sole reason why the Western States of America are in a state of the highest prosperity, and the N.-W. Provinces are in a state of utter poverty, is that the former has effective water-carriage and the other none. And so with all the other products of India, both with respect to foreign and internal markets.

The Sirhind, Main Ganges, Lower Ganges, and Soane Canals, now under execution and well advanced, will leave only about 100 miles of canals to complete the line for 900 miles, to within 300 miles of Calcutta, and the projected and estimated Rajmahal Canal would perfect the line. And so with other main lines. A few hundred miles of canal would give us continuous cheap transit for several thousand miles. Certainly no expenditure compared with this would give one-twentieth part the results that this would, revolutionizing districts containing some 100 or 150 millions of people. And so with India generally. Steam-boat canals could be carried through all the populous parts of the country, to carry at one-twentieth of a penny per ton per mile for long distances, at an average cost of £3,000, requiring only a million tons a year, to pay 7 per cent.

The railways cannot carry at a charge which will allow the traffic of the country to be developed for more than a short distance. On the Godavary Canals, we are now carrying for

short distances at  $\frac{1}{d}$ . a ton a mile, and on the Main Line about 200,000 tons a year are carried from one little isolated patch of country alone. The traffic on these would be increased ten-fold. A complete system of steam-boat canals, opening all the main lines of India, might be completed in three or four years for '20 or 30 millions, giving 10,000 miles of canal, besides making every thousand miles of river ten times more valuable for transit than at present, from their being thus connected with all other parts of India. It must be remembered that all the great lines of India are perfectly practicable for such canals, and also that they may be worked at any speed. This is what I insist upon, as the first point in respect of material improvement.

The second point on which I insist, is the actual results of canal opening in Tanjore, Godavery, and Kistna, all at this moment so immensely ahead of all other districts in revenue, wealth, traffic, and exports. The revenue of Tanjore is now £750,000 and of Kistna and Godavery each £550,000; while the whole revenue of India, exclusive of opium, is about 42 millions, or about £250,000 per district. The progress of the Godavery and Kistna districts since the commencement of the new works in 1846 is shown as follows:—

	£
Revenue before 1846 ...	470,000
Revenue of 1874-75 ...	1,100,000
	<hr/> £630,000

Or an increase of 230 per cent.

Now the actual expenditure up to 1874 was about one million sterling, so that the total increase of revenue was 63 per cent upon the cost of the works. The revenue of the adjoining districts increased during the same period as follows:—

Revenue of Vizagapatam, Bellary, Kurnool, Cuddapah, and Vellore before 1846. ...	£
Ditto in 1874-75 ...	1,060,000
	<hr/> 1,410,000
	<hr/> £350,000

Or an increase of 34 per cent. But most of this increase was due to improved irrigation in those districts. The actual extent of land irrigated is now about 900,000 acres, costing a little more than £1 per acre.

The third point I urge is, that in respect of public works the first question is not—What do they return directly to the treasury, but what is their total return direct and indirect? The Government is not a Company, whose sole business it is to obtain a direct return to the treasury in money. Thus in Godavery the cost has been £1 per acre, including both irrigation and navigation, while the increased value of produce is £2 per acre at a very low valua-

tion, besides the incalculable effects of cheap transit both for passengers and goods.

Now this ought to be the first point shown in every report on Government public works. The direct returns to the treasury should be carefully kept subordinate to this, and that at a great distance too. Further proof of the progress of Godavery is shown in the increase of exports to £800,000, and of imports from £20,000 to £200,000. Surely this is a question deserving the most thorough investigation. What has produced such results in this district? The works are still in progress; 700,000 acres are now watered, and when the remaining 300,000 are so, the additional water-rate alone will be £120,000, and the whole certainly much above £700,000, second only to Tanjore, the other great irrigated district, which has been raised from one of the lowest districts in India in point of revenue to be the second. Is it not extraordinary then that in the innumerable official papers written on finance, not one of them takes the least notice of this, the greatest fact in the whole inquiry:—That three districts out of about a hundred and sixty, are now yielding a million a year more than they did before they were thus improved. Were all the others but improved in the same way, 50 millions would be added to the revenue.

The last point I notice is the importance of storing water. This has now at length been recognized in the formation of two large reservoirs near Bombay, each capable of containing about 140 million cubic yards at one time, and of supplying about 200 millions per annum, including what is discharged and used during the monsoon. The effects of stored water are three-fold: *First*, if stored near the sources of the river and allowed to flow down them in the dry season, it will either render them navigable, or greatly augment the navigation. *Second*, it will provide water for irrigation throughout the year partly in the neighbourhood of the tanks, and partly in the deltas, keeping the delta canals full, both for irrigation and navigation during the dry season. *Thirdly*, every tank will aid in diminishing the effects of flood in the monsoon, which especially in the highly-improved deltas, where an enormous amount of life and property are at stake, are a matter of the highest importance. Any one of these results will abundantly repay the cost of storing. How much more the three together obtained from the same tank.

To recapitulate the points I so earnestly insist upon. *First*, the absolute necessity of a system of steam-boat canals to provide really cheap transit at 1s. 10d. to one-twentieth price per ton per mile, and the certainty that money expended will produce effects incomparably greater than in any other way. Such a system would revolutionize the whole material condition of India, and the state of the finances.

**Second,** the wonderful progress of the three irrigated districts of the Tanjore, Godavery, and Kistna, yielding now together a million a year in revenue more than they did, is incomparably the greatest fact connected with the question of finance in India.

**Third,** the importance of storing water generally, as they are beginning to do in Bombay for the three purposes :

(a) of improving the river navigation in the dry season :

(b) of keeping the canals in the deltas full for navigation and irrigation in the dry season :

(c) diminishing the floods along the lines of the rivers, and especially in the highly populous and improved deltas, where so great an amount of life and property are at stake.

A. COTTON.

—*The Indian Agriculturist*, Vol. I, p. 160.

#### THE DEBATE ON LADY DOCTORS.

The House of Common last night grew eloquent on the vexed question of the desirability of women practising as surgeons and physicians, and a debate of considerable interest took place. Mr. Cowper-Temple moved the second reading of the Medical Act Amendment (Foreign Universities) Bill, by which it was proposed that women holding medical diplomas from the Universities of Paris, Berlin, Vienna, Zurich, and Berne should be entitled to registration in England, and thus placed on an equality with regular surgeons. It is well known that many ladies who hold diplomas from these Universities are now practising in London and other towns, but they have no status in the profession, as they are rigidly excluded by the Medical Council from the advantages of legal registration. This, of course, has a damaging effect upon them in very many instances, although according to Lord Eslington, a lady practitioner in the Metro police is at the present time receiving higher fees than any medical man in the kingdom. If this be so, it is evident that the old prejudice against "women doctors" is gradually dying out, and that they are slowly making a position for themselves, although the Medical Act ignores their existence in the profession. In some special diseases, perhaps, of their own sex ladies will be largely consulted, as many delicately nurtured women, with a too nice sense of modesty, shrink from the consultation room of an ordinary medical man. But it would be absurd to suppose that in the operations requiring physical nerve and expertness in the manipulation of instruments women will be as successful as men. This view is evidently held by Mr. Wheelhouse, who last night asserted that if a woman pro-

posed to give him a dose of camomile tea or salts and senna, he should have no serious objections; but when she proposed to cut his leg off he would just as soon that she cut his head off. There are many operations more difficult than a simple amputation, and we question if any of the advocates of women's rights in the medical profession would have sufficient moral courage to submit to being operated upon by a lady. The theory that women are qualified to act as surgeons is a very pretty one in itself: but when the practical application of the idea is directed to one's own person, it is a very different affair indeed. Apart from the general question of female doctors, the point involved last night was the acceptance of foreign diplomas in England as guarantees of proficiency and merit in the profession. Here it was argued a dangerous precedent would be established if Mr. Cowper-Temple's Bill became law, as a loophole would be opened through which persons not duly qualified might creep into the ranks of our medical men. If once women holding diplomas from foreign Universities were admitted into the profession, it would be impossible to deny the same privilege to men, and it was this danger that caused Lord Sandon, on behalf of the Government, to oppose the Bill. He warmly defended the cause of female practitioners, but argued that it was utterly impossible to legislate afresh with regard to foreign qualifications for women alone. The noble lord however announced that after mature deliberation, the Government had resolved to give their support to the measure introduced by Mr. Russel Gurney. Under this Bill none of the Universities will be obliged at admit women unless they like; and it further provides that if women are admitted to the register they shall not be necessarily qualified to take their seats upon the Boards of the Universities and Corporations. There will be no compulsion exerted upon the gentlemen now in charge of the various medical schools and hospitals throughout the country, as the principle of the Bill is entirely permissive. After the announcement made by Lord Sandon there was a general feeling in the House that Mr. Cowper-Temple's Bill might be withdrawn with a good grace, but the noble lord gave no hope of Mr. Russel Gurney's measure being passed this session. This brought Mr. John Bright forward with an eloquent appeal to the Government to allow the Bill of the Recorder of London to be pushed forward without delay. He expressed himself confident that there were many meritorious women who were approaching the time practising, and a great many also in the country who were suffering from diseases who will be very glad to have the assistance of medical advisers of their own sex. "Therefore," he continued, "for the meritorious women who are studying, and for the sake of women who are suffering, I think that the

House, if it has once made up its mind to the principle of this legislation, could not do a wiser thing than do what it has to do at once." No reply was vouchsafed to this appeal, but Mr. Cowper-Temple was satisfied with Lord Sandon's promise of the countenance of the Government to Mr. Russel Gurney's Bill, and withdrew the motion for the second reading of his own measure. With the press of work upon the Government it is to be feared that no action can be taken during the five weeks which remain of the present session, and therefore the "women doctors" will have again to wait the turn of the wheel which is to bring them the much-coveted privilege of a legal status in the medical profession.—*Manchester Evening News.*

#### WHY ARE WE RIGHT-HANDED.

There is, in Sir Charles Bell's Bridgewater treatise a quaintly worded passage, in which the author endeavours to deal with the reason why we normally use the right hand in preference to the left. After a surfeit of Haeckel and Darwin, after, as must be the case when one attempts to keep up rapport with modern scientific thought, becoming fairly imbued with the notion that distinct creative acts never took place, and that the fire mist and the primal germ are our legitimate ancestors of unbroken line, there is something positively refreshing to turn back to earlier writings, and there to find a material theory contemptuously dismissed in order that the author may anchor his faith to the idea that man was created right-handed by Divine intention. He says that "the preference of the right hand is not the effect of habit, but is a natural provision, and is bestowed for a very obvious purpose;" but what that purpose is he fails to make clear, except inferentially, in the statement that "there ought to be no hesitation which hand is to be used or which foot is to be put forward; nor is there, in fact, any such indecision." Any one who has ever witnessed the amusing spectacle of a squad of raw recruits learning the goose step will be disposed to combat this last assertion. It requires longer teaching than would be imagined to impress upon the embryo soldier that the left foot is first to be moved. Experience goes clearly to show, besides, that the average individual steps off indiscriminately with either foot; and hence the selection of the left foot, merely to secure uniformity in the military files has been made, though the very fact again is curiously at variance with the above author's intimation, that a heaven-implanted instinct teaches us to put the right foot forward.

We have mentioned Bell's treatise, not, however, for the sake of the theory which he maintains, but for the one which he rejects in a

few brief lines. "It is affirmed," he says, "that the trunk of the artery going to the right arm passes off from the heart so as to admit the blood directly and more forcibly into the small vessels of the arm. This is assigning a cause which is unequal to the effect," he adds; and probably supposing that no other causes would ever be combined therewith to bring it up to equality, he curtly pronounces it a "participation in the common error of seeking in the mechanism the cause of phenomena which have a deeper source," said source being supernatural. For the man who discovered the functions of motion and sensation pertaining to the brain and spinal marrow, who located the sensory nerves, and those which formed the wonderful telegraph commanded by the will, and who showed that the nerves of the different senses are connected with distinct portions of the brain, so implicit a belief in the active interference of an Unknown Power with human mechanics is indeed strange. It is to this faith, however, that must be ascribed this neglect to prosecute the investigations which, very recently carried through by a French physician, Dr. Fleury, of Bordeaux, have adduced facts showing that our natural impulse to use the members on the right side of the body is clearly traceable to probably physiological causes.

Dr. Fleury, after examining an immense number of human encephala, asserts that the left anterior lobe is a little larger than the right one. Again, he shows that, by examining a large number of people, there is an equal supply of blood to the two sides of the body. The brachio-cephalic trunk, which only exists on the right of the arch of the aorta, produces, by a difference in termination, an inequality in the waves of red blood which travel from right to left. Moreover, the diameters of the subclavian arteries on each side are different, that on the right being noticeably larger.

The left lobe of the brain, therefore, being more richly hematozed than the right, becomes stronger; and as, by the intersection of the nervous fibre, it commands the right side of the body, it is obvious that that side will be more readily controlled. This furnishes one reason for the natural preference for the right hand, and another is found in the increased supply of blood from the subclavian artery. The augmentation of blood we have already seen suggested above; but the reason for it is here ascribed to the relative size of the artery and not to any directness of path from the heart. Dr. Fleury has carried his investigations through the whole series of mammals; and he finds that the right-handed peculiarity exists in all that have arteries arranged similar to those of man. At the same time such animals, notably the chimpanzee, the seals, and the beavers, are the most adroit and intelligent.—*Scientific American.*

# THE REVENUE REGISTER.

No. 9.] MADRAS :—FRIDAY, SEPTEMBER 15, 1876. [VOL. X.

## MADRAS AGRICULTURAL COLLEGE.

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WE have just received the Prospectus of the Madras Agricultural College, the object of which institution is, we learn, "to afford instruction in the science of agriculture and in the practical application of sound principles in conducting the ordinary agriculture of this country." We wish the new College every success, and hope that the students to be educated there may acquire such an amount of practical knowledge that they may become a just source of pride to their teachers, and a blessing to the country at large. We think that the Agricultural College will prove useful, and will be calculated to do good, in many ways. No doubt, one of the primary objects of its establishment is to disseminate a correct knowledge of the science of agriculture, and to lead the cultivating classes to the employment of new and more scientific modes of cultivation. We see, however, a utility beyond this. May this not be one answer to the poor white problem, which still troubles the minds of well-wishers? Will it not open up new fields of industry and employment? May not the lads educated at the Agricultural College become the colonists and successful tillers of the vast unoccupied lands of Southern India? Up to the present time, no doubt, the feel-

ing has been widely disseminated that all manual labour was disgraceful; and the youth who failed to find employment in the Government service, or that *refugium peccatorum*, the railway, would rather waste his time in fruitless begging than set his hand to any less dignified employment. In the olden days when Europeans and East Indians were few in number, when the demand exceeded the supply of intellectual labour, our youths could make pretty sure of a clerkship or some such appointment in the service of the State; but now-a-days with B. A.s more plentiful than horsekeepers, and natives winning for themselves an equal place in the competition, there is no longer room and to spare. The services are glutted, and the youth who has been educated to the highest point of modern perfection finds himself, with his cultivated mind and refined tastes, in a truly pitiable position. He cannot dig, and to beg he is or ought to be ashamed. We hope that the new Agricultural College will open to our sons a field of labour honourable and useful, a career that will give employment to their heads and their hands, and which is shared in by lads of good family and excellent brains both in England and Germany. We would heartily commend to the careful perusal of the lads of this country a book entitled "Self-Help" by Samuel Smiles—a

man who helped himself, and who shows most clearly how all may help themselves and conquer the obstacles that may surround their path. We must not, in our interest in the youth of the country, forget that the Prospectus of the new College lies before us. On the first page we find a correct list of the lecturers appointed, and among them we see with pleasure some familiar and much-respected names. Where all the teachers are able and learned, it is invidious to make any remark on an individual; but may we not be pardoned if we congratulate the College and the students on the acquisition of James Kceess, M. D., as Professor of Zoology? Dr. Kceess unites to the most accurate knowledge, a winning manner, a command over the attention of his class, and a method of imparting instruction that are as rare as they are invaluable.

Every facility for practical, as well as theoretical, knowledge will be found attached to the College; a farm in full working order, educational buildings, workshops, library, veterinary hospital, &c., while harmonious working, and efficiency of detail will be amply secured by the selection of the Superintendent of Government Farms as the Principal of the College. Mr. Robertson has proved such an energetic worker in this country and possesses such a wide field of scientific knowledge that he is a tower of strength; and with him as Principal, the College cannot help doing well. The only thing needed to make the College most popular, and to attract to it youths from the upper ranks of the East Indian community, is the prospect of their training leading to their appointment to definite ranks in a definite service. We mean that the Government should create a department analogous in some respects to the Forest Department, or perhaps attached to it. In this service there might be various grades and the boys who desired it, and deserved it, might, on the completion of their curri-

culum, be selected for Assistant Superintendents of District Farms, with prospects of advancement. We can hardly foreshadow anything in this direction. We are all too apt to look to the State to do everything for the country. But really this country must not be regulated by principles governing European countries. Here the State must necessarily be the great employer of labour and the conservator of advanced principles even after their introduction. We may, therefore, look forward to a Government Agricultural Department. And why should not, we? Twenty-five years ago there was no Forest Department.

We think the curriculum has been well arranged. Three years of attentive study and practical working, should be sufficient to fit students to commence a useful and intelligent career. "The instruction given in the institution will embrace a thorough study of agriculture and of such portions of Chemistry, Geology, Zoology, Botany, and the Veterinary Art as bear on the theory and practice of agriculture. \* \* \* During the portion of the day set apart for practical instruction in farming out of doors, every student will be expected to take part in whatever work is going forward on the farm; compliance with this rule will be strictly enforced." This latter clause is, we think, excellent. Five minutes practical working will illustrate and fix on the memories of the pupils an hours theoretical instruction. As to admission—all are free to enter. Students who have passed the Matriculation or General Test will be eligible without any further examination; and other candidates will be expected to pass a simple examination in English, Arithmetic, the Vernaculars, History, and Geography. There are to be twenty-four stipendiary studentships and three scholarships. The scholarships will be of the value of Rupees 10 a month, and will be tenable for two years under certain condi-

tions. Certificates will be given at the conclusion of the course of training to those students who are duly qualified and whose conduct has been satisfactory. Young men who are under training for School-masters will be permitted to attend lectures and undergo a partial training at the Agricultural College, with the view of enabling them to teach the science of agriculture subsequently in schools to which they may be appointed. A copy of the curriculum and of the time table for the first session is attached to the Prospectus. We are glad to see that landowners and others desirous of having young men taught at the College can enter students there under the rules and regulations prescribed for Government stipendiary students—provided that the stipends are paid regularly one month in advance to the Superintendent, Government Farms. Such is a brief resumé of the prospectus of what promises to be a useful and successful institution. We wish the Agricultural College all possible success, and hope it may turn out many industrious and able men whom Madras will be proud to acknowledge as her sons.

#### FOREST ADMINISTRATION, 1874-75.

WE have been favoured with a copy of the Revenue Board's Annual Administration Report of the Forest Department for the official year 1874-75; and although it may seem devoid of attraction to the general reader, it is nevertheless a document of immense interest to the serious thinker, as faithfully narrating the progress of operations in a Department of the State engaged in conserving and forwarding one of the most important resources of this country, which, though not directly profitable at present, gives every promise of yielding no inconsiderable financial returns in the future. The subject is treated by the Board under six sections; viz., 1, Tours of Forest officers; 2, Forest and Fuel Reserves and Plantations; 3, Forests worked under license; 4, Yield of Forests; 5, Financial Results; and 6, General remarks. On the first of these

heads, we find that Captain Walker, who was acting as Inspector-General of Forests in the absence of Colonel Beddome, visited nearly all the Forest Ranges of this Presidency during the year. The few that he did not visit he had inspected just before the close of the preceding year. He was absent from his head quarters 232 days out of the 365, a fact which cannot but speak most favourably of his zeal and energy. The Collectors of Ganjam, Coimbatore, Salem and Malabar, in their capacity of Conservators, visited some of the forests in their districts, and the Collector of Cuddapah inspected the reserves and plantations which are being extensively pushed in that district. The Collectors of the remaining districts do not appear to have visited their forests, not, we presume, from any want of interest, but, most probably, from lack of time. Mr. Wedderburn of Coimbatore, with his usual interest in all that concerns the welfare of his collectorate, spent 123 days in inspecting the Forests, a circumstance that was noticed with much pleasure by the Board of Revenue. All the forests do not appear to be worked in the same way; some of the trees in the forests are felled by departmental agency, while others are felled on what is called the license and voucher system. We find from the comparative statements of the last two years, that there has been a decrease both in the amount of timber felled and sold, and also in the value and the sale-proceeds. The decrease in the timber sold appears to be variously attributed in different districts to losses on auction sales, to reduced demand for public departments, to the unremunerative rates prescribed for timber supplied to the Public Works Department, to the owners of private forests having undersold Government, to the Railway supplying themselves from private sources, to the glutting of the Mysore market, &c. On the whole, we are told "that the decrease may be said to be mainly due to less timber having been taken by the Public Works and other Departments of the State. The proceeds of such supply fell by 72·5 per cent, while private sales fell only 4·2 per cent."

The subject of Forest Reserves is passed without any comment by the Board; but they direct their attention to the question of Fuel Reserves. In Cuddapah, three new large reserves were opened, an extent of 1,000 acres being added to one of the old

reserves. Though not one of the reserves has as yet begun to pay, while the expenditure has been very heavy, being Rupees 14,000 as against Rupees 400 in round numbers of the preceding year, there is reason, however, to hope that a foundation is being laid for future profit. In Trichinopoly, one fuel reserve has commenced to pay, although the receipts are small at present. The area of fuel reserves was extended during the year from 98,690 acres to 1,09,998 acres. The expenditure on these reserves, exclusive of the charges of the general establishment, amounted, up to the end of 1874-75, to Rupees 74,849; but they have not yet commenced to yield any return except in a very few localities. The receipts against expenditure up to date amount to only Rupees 4,369. The Board consider it desirable that there should be an accurate account of the amount spent on each fuel reserve, including the proportionate cost of the General Establishment; but they state that measures have been taken to have such accounts compiled, and the result reported by the Conservator.

As to *Plantations*, among the trees planted we find the Teak, the Babul, the Sandalwood, Mahogany, Mango and Casuarina. The reports from the different districts do not, in general, appear to be very hopeful, as white-ants, heavy rains, floods, unsuitable soil, &c., appear to interfere with the progress of the plantations. We are, however, glad to learn that a mahogany nursery and sandalwood seedlings are doing well at Metapolliam. The Board of Revenue make no remark in respect to Forest yields: they simply give an abstract showing the quantity of timber felled or removed free of payment. The *Financial Results* are noticed however by the Board. We find that receipts from all sources amounted to Rupees 3,64,326, while the charges amounted to Rupees 3,97,872. This is considered satisfactory, showing a working profit of Rupees 70,535, if the charges and receipts to the Fuel Reserves and Plantations, which have not yet commenced to pay, are excluded. The value of the stock in hand was at the end of the year less than it was at the commencement; but this appears to be accounted for by the difference in the mode of valuation; the old stock having apparently been valued at a higher figure per cubic foot than the new stock.

In the way of general remarks we do not notice anything very special, unless it be

on a plan of Mr. Puckle's in Tinnevelly, where we find that "the jungles on the lower slopes of the hills which are divided from the conserved forests higher up by a path and fence, are set apart as grazing and firewood jungles for the use of villagers. These tracts are again divided into blocks, are to be used one at a time, while the others are growing up. These tracts are looked after by the villagers themselves." Mr. Puckle remarked, in a memorandum he left, "the hill-side which a few years ago was bare, is now being rapidly reclothed, and if the system in force is persisted in for some years longer, our streams may become more perennial, and the valuable timber reproduced on the slopes which from their comparative accessibility have been most denuded." The Forest Officers, we are told, do not approve of this plan, for they say they do not know what goes on in these village tracts; but Mr. Comyn, the Acting Collector, approves of it; and no doubt where this system has been introduced and maintained, there is spontaneous reproduction on the hill sides.

We gather from the order of Government on the Board's report that the close connection which has recently existed between the Revenue and Forest Officers is not likely to continue. We doubt whether it will be altogether wise to make the Forest Department independent of the administrative control of the Pro-consul of each district. There cannot be two kings in Brentford, and unless the Collector is the supreme head of the executive in his district, there may be clashings of authority which will be neither agreeable to the Government, nor conducive to the welfare of the country. The Government are quite alive to the importance of unanimity of feeling; for they remark that, although for various cogent reasons it has been deemed desirable to place the Forest Department on a new footing as regards the Revenue Officials, they nevertheless feel "assured that the experience gained by some of these officers, and the interest in forest administration it has aroused in others, will be of great service to the State; and although the direct executive management will, for the future, be departmental, they (the Government) still look to the Revenue Officials of all ranks to aid the Forest Officials in performance of duties, which can hardly be successfully executed without their sympathy and co-operation."

## CORRESPONDENCE.

## LONDON LIFE.

[FROM OUR SPECIAL CORRESPONDENT.]

SIR,

I was compelled to discontinue my contribution to the *Revenue Register* last April on account of unavoidable business which necessitated my presence in Constantinople, and I did not feel justified in professing to chronicle the sayings and doings of this great metropolis when sojourning so far from the scene of action. As a link between my last letter and the present one, possibly, some of my experiences in the city of the Sultan may not prove uninteresting to your readers, as the eyes of the world may now be said to be fixed upon the Porte, and our Indian possessions doubtless contain many individuals to whom the present and prospective value of Turkish bonds is by no means indifferent. Depressing, indeed, was the social aspect of Pera and Stamboul in April last; every one was, or professed to be, ruined; merchants, bankers, shopkeepers, brokers, and even "hamals," were all weighed down with a sense of impending financial woe. Conversation hinged on two topics only; the probable descent of Turkish Consolidaes to zero, and the likelihood of a general massacre of the Christians. If you spoke to a banker or a diplomatist, you were met with Burleigh-like nods and ominous shrugs of the shoulders; if you interviewed a newspaper correspondent, he led you to believe that, so far as regarded the Ottoman Empire, universal destruction was at hand, and shopkeepers and employés saluted you with one long wail of despair. The assassinations at Salouica did not tend to re-assure the public mind; and, curious as it may appear, the first ray of hope was kindled by the deposition of the Sultan. Although not generally known, it is a fact that the movement of the Softas was, in a great measure, prompted and directed by political wire-pullers in Great Britain; and it is more than probable that no two people were less surprised at the sudden downfall of Abdul Aziz than Mr. Disraeli and Lord Derby. Things had come to such a complete dead-lock, and the Sultan was so hopelessly imbecile, that his forcible removal was the only way to cut the Gordian knot. His subsequent end—whether we term it murder or suicide—was the inevitable result of his abdication. In a country like Turkey it is absolutely indispensable that the snake should be, not only scotch'd, but killed. Dethroned monarchs, with a tolerably strong contingent of interested and fanatical followers, are apt to be troublesome to their successors and prejudicial to the peaceful working of the State machinery. Thus it came about that Abdul Aziz was laid in the tomb of the Sultans exactly six days after he had been quietly

deported from the imperial palace of Dolmabatkche. At first people were inclined to look at the revolution entirely through rose-coloured spectacles; immediate and sweeping reforms were predicted, Turkish funds went up, the Herzegovinian rebellion was to be stamped out, all State liabilities were to be discharged, soldiers, sailors and artisans were to be paid all arrears of wages, extravagant harems were to be curtailed, and a new era of prosperity was to ensue; but Turkish apathy and political intrigue soon dispelled the golden vision; and, when the two most able and honest Turkish statesmen of the day were cut off by the hand of an assassin, things began to drift back into the old groove. I do not mean to say that the Porte is in such a woeful plight as it was in March and April, but it is struggling amidst innumerable shoals and quicksands from which only the most skilful pilotage can extricate it. Russia is, no doubt, determined sooner or later to compass the downfall of the Ottoman Empire; but being extremely poor and unable to meet the expenses of war on a grand scale, she prefers a Fabian policy and elects not to pluck the fruit which ere long will, she hopes, drop spontaneously into her jaws. Servia and Montenegro are now at war with Turkey, and these rebellious vassals are most certainly subsidised and countenanced by Russia, whatever allegations may be made to the contrary. At present no reliable news concerning the warlike operations has reached England. If Servia is victorious and emancipates herself from Turkish rule, the "beginning of the end" will be at hand, and all the blood and treasure so lavished in 1854 and 1855 will have been thrown away; if, on the other hand, Turkey gets the best of the contest, Russia will step in to protect so-called "Christian" interests and a fearful imbroglio may arise from which we shall hardly be able to keep aloof. One "happy thought," however, occurs to me. Should a general European war break out, we need only, in jockey phrase, "sit still." In less than six months every State in Europe, with the exception of Great Britain and France, would be ruined and bankrupt. The day for foreign loans has passed. "Once bit twice shy," "a scalded cat dreads cold water," and a host of other familiar proverbs express the feelings of the British investor towards international loanmongers just now. Neither Russia nor Prussia nor Austria, nor Spain nor Turkey nor Egypt could raise one million on the London or Paris Bourses, and the more our European neighbours fight, the more powerful and independent shall we become. If the Northern and Eastern Powers do begin to quarrel in earnest, we shall soon be in a position to mount our dunghill, flap our wings, and crow lustily, for by the force of the "almighty dollar" we shall in the long run "lick creation." The Sultan Murad who was to do so much and prove the regenerator of Turkey

has, in less than three months, been exposed and turns out to be as arrant an impostor as his predecessor. He indulges in copious libations of bottled stout and curacao, he indulges his animal passions in a manner which cannot be mentioned to ears polite, he has fits of *delirium tremens*, he is afflicted with chronic carbuncle, and he is three parts imbecile. A promising monarch this! His deposition is only a question of days, nay hours, and the problem remains, who is to be his successor. All the direct or least indirect heirs to the Mussulman throne are old Turks "of the worst and most fanatical description." Were any individual of them to gird on the traditional sword of Mahomet and seize the reins of power, Midhat Pasha, one of the few straightforward and sensible statesmen who still survive at Stamboul, would be sent to the right about forthwith, and with him would vanish all hope of Turkish regeneration. Indeed, it is more than probable that with the resumption of power by the "Old" Turkish Party would come a strong public reversion of feeling in favour of Russia as compared with England. Then good-bye to the Empire of Turkey! It would not last three months; and, should the Porte thus wilfully reject the countenance and support and advice of Great Britain, public opinion in England would not permit any administration, conservative or radical, to intervene by force of arms. Russia, boa constrictor-like, would commence by licking Turkey all over with the deceptive saliva of flattery and compromise, and then ruthlessly swallow her whole. Before this letter is closed, we may hear of a Servian collapse; if that event should occur, a European conflagration may be anticipated, for Russia will never permit Turkey to "annex" rebellious vassals. It is imperative that this Eastern question should be settled. It has been hanging over us and threatening the peace of Europe for upwards of a quarter of a century, and cries aloud for decision of some sort. Bloodshed, suffering and large pecuniary outlay are inevitable, but perhaps we shall never find a more favourable opportunity than the present for settling the position which is henceforth to be assigned to the Porto in the Continent of Europe. Of course the question is not easy of solution; but like the big fence obstructing the onward career of the timid fox-hunter, the longer it is looked at, the more formidable does it appear. I fear Turkey is an anachronism and must be thrown over, but still my sympathies are with her. Why has she no virile minds to direct her course, intellects such as she could boast of four or five centuries ago? Alas, Western civilization has "enervated" without christianising her population. The utter downfall of the Turkish Empire might, I am well aware, cause considerable excitement among the Moslem population of India. If the Porte collapsed without an effort on the part of Great Britain to protect its exist-

ence, serious questions might arise in certain districts of our Eastern possessions. I suppose it would be impossible to convince Indian Mussulmauns how vicious and effete has always been, still is, and still is likely to be, the administration of the Father of the Faithful in Stamboul. Having said the worst of the poor Turk, let us now apply a little moral whitewash to his much-abused humanity. There cannot be a shadow of doubt that the barbarous enormities of which he has been accused in Bulgaria, Montenegro and elsewhere, are gross exaggerations or barefaced lies. Two blacks will never make a white, but it may safely be averred that the cruelties of the nominal Christians have quite equalled those of the Moslems. *Que voulez vous?* War, and especially civil war, is not made in "white kid gloves."

All these Continental disturbances have naturally affected monetary investments, and the last three months have proved as disastrous as many previous years of panic. Egyptian and Turkish Stocks are at the lowest ebb, Argentine, Buenos Ayres and all South American Securities are fearfully depreciated: a regular stampede has taken place on all bonds emanating from or connected with Russia. Spain still remains bankrupt and still repudiates. Italy is panperised, and even Prussia has run through her two hundred and fifty millions sterling, and her credit does not suffice to procure a paltry loan of five millions. In fact, England, France and Portugal are the only solvent States in Europe. Money is, to use a technical expression, a "drug in the market;" men of ample means can only enjoy restricted incomes, because they know not where to find a safe medium for the investment of their money. Millions are lying idle; the recklessness of past years is now replaced by an unnecessary caution; it appears that the *juste milieu* cannot be attained. Of course we all know that the higher the interest the worse the security, but there is a limit to that axiom, and it is curious to find that men who lately deemed 8 per cent interest not a whit too much for a sound investment now hesitate at  $4\frac{1}{2}$ ! A re-action must come. It is to be hoped that it will not be too sudden and too rash. Meanwhile widows and orphans and other "innocents" have suffered severely by the financial cataclysm which dates from last October and is hardly yet concluded.

Mr. Disraeli's sensational purchase of Suez Canal shares has not effected any improvement in the nominal value of Egyptian securities, and the Khedive is fully as much embarrassed as his Suzerain on the Bosphorus. The quarrel with Abyssinia has proved a ruinous luxury, and we shall never ascertain exactly how much money King Kassai has cost the Cariene treasury. Englishmen know from experience in 1867 that nothing can be done in Tigre and the surrounding districts without a lavish outlay of dollars, and it is pretty certain that

the Egyptians could not manage more economically than Lord Napier and his staff. The so-called unification scheme by which it is proposed to amalgamate all loans, including the floating debt and pay a uniform rate of interest on the whole, has not met with general approval; but a larger number of bondholders than was expected have signified a reluctant assent. It seems hard that those who lent their money on the faith of distinctly specified securities should rank with those who lent on no security at all. Probably, if the scheme is carried out, no one will get more than 3 per cent per annum. I would rather hold Consols! Mr. Goschen is endeavouring to bring about a more equitable compromise, but his prospects of success are but slight. Mr. Gladstone has spoken plaintively in the House of Commons and says the Government are bound to indemnify bondholders of the Turkish loan of 1854, but Mr. Disraeli and Sir Stafford Northcote do not see the matter in the same light, and probably the late Premier would modify his opinion were he in office. Nothing more significant in the financial world has occurred than the utter inability of Prussia to borrow a few million thalers, either at home or abroad.

It would seem to indicate that conquest and annexation are not so lucrative as might be supposed, and that a huge armed force does not of necessity ensure a nation's prosperity. Bismarck and Moltke must feel inclined to ejaculate "another such victory and we are undone." English railways have been and still are quoted at a far higher figure than they are legitimately worth. Some sanguine investors must have experienced a rude shock the other day, when the Great Northern Railway dividend was declared. The price of the stocks was about 130, and shareholders received rather less than 2 per cent for the half year! Speculation has, to a great extent, ceased and brokers complain bitterly, but they must make up their minds to face the ups and downs of existence like the rest of the world; with a few months exception they have enjoyed "piping" times for twenty years past. Trade is dull as ditchwater and no revival is in prospect. The continual strikes and the prolonged struggle between the representatives of capital and labour are now bearing bitter fruits, and the unprincipled agitators who have so persistently urged on the ignorant working man to his destruction must be appalled at their handiwork if they have any consciences at all. Mills are stopped, furnaces are blown out, pits are no longer worked, manufactories are only working half time, distress and poverty are rife, hunger has replaced plenty, and all this is the outcome of the obstinacy and vanity of trades union leaders who fatteu upon the credulity and ignorance of their misled victims, the working men of England.

People are asking, what is the "Maritime League" and what is the "Declaration of Paris"?

Time slips away so nimbly that the Crimean War and the Peace of 1856 are almost forgotten, and the present generation knows nothing of their details. When war was declared against Russia in 1854, it appears that an order in Council was promulgated by which Great Britain, in conjunction with France, agreed to forego her hitherto jealously preserved maritime rights and to allow her enemy's goods to be conveyed in "neutral bottoms" free of molestation. That is to say, we allowed Russia to carry on her commerce undisturbed, and thus afforded her every facility for procuring the sinews of war. Having thus voluntarily sheathed our most effectual weapon, we suffered a loss of 30,000 precious lives and one hundred millions sterling in specie, and at the end of two years of suffering and suspense only succeeded in obtaining a most doubtful success. Had we maintained our maritime rights intact, we need never have entered upon the quixotical Crimean expedition; in three months we should have ruined Russian trade, and the merchants of St. Petersburg, Moscow, Cronstadt and Odessa would have been insolvent, and the Emperor Nicholas would have been constrained to sue for peace. What happened at the close of the 18th century? Great Britain was at war with Russia; we captured all her commercial ventures; all classes of the Czar's subjects insisted on peace in order to retrieve their shattered fortunes, and peace was made. In 1854 we had voluntarily yielded our maritime rights and we suffered accordingly. In 1856, a month after the conclusion of the "Treaty of Paris," our plenipotentiary Lord Clarendon, (the delegate of the powerful whig party then in office), took upon himself to enter into a certain undertaking which bears the title of the Declaration of Paris, and by it confirmed the provisions of the disastrous order in Council which had been originally published in March 1854. Lord Clarendon had no instructions from his Government, the matter was never brought to the notice of either House of Parliament, it was a hole and corner business, and although some few patriots, the late Lord Derby to wit, pointed out the perilous course on which we were entering, Lord Palmerston's popularity outweighed prudence and common sense, and the matter was hushed up and then buried in oblivion. But "murder will out," and during the last few months an influential body of members of Parliament and others have formed themselves into a maritime league for the purpose of "agitation" until Government consents to take steps for a withdrawal from this insane "Declaration of Paris." Before next session it is expected that the country will be thoroughly roused, and Mr. Disraeli will assuredly take up the matter when he finds that public opinion demands it. During the recess, lectures on the subject will be given in all the principal towns of the United Kingdom, and the injury inflicted on England is so patent, when once explained,

that the meanest intellect will realise the necessity of abrogating the Declaration of Paris.

The inquest on the late Charles Turner Bravo drags its slow length along and the public enjoy the washing of the very dirty family linen amazingly. The harvest which is being reaped by the evening papers gladdens the hearts of the farmers thereof, and the boys who sell the "awful disclosures" in the streets are amongst the few who have no reason to complain of the times being hard. Not long ago, when the youthful partner of a philanthropic marquis sacrificed her husband and society for the illicit love of a sexagenarian, it was perceived that many old gentlemen assumed a gayer air, brighter hats, more lustrous boots. And now orthodox medical men, while they hum and haw over heresies, hydropathic and homœopathic, look perky when the social success—and this, report says, only one of many—achieved by their veteran *confrère* is mentioned. Like myself, however, my readers will care to glance at the case merely on public grounds and in the hope that out of evil may come good. It seems to be felt amongst the select few who form the intelligent part of the population that the old form of coroner's inquest, once justly regarded like *Habeas Corpus* and Trial by Jury as a safeguard of British freedom, is unfitted to those later days. Money is the great motive power of the time, and when its mighty force is applied to little things it is very likely to smash them to pieces. The Court is here the little thing. Held in the billiard room of a little inn, it is presided over by a feeble coroner assisted by an assessor of equal capacity. Powerless to quell disorder, unable to distinguish the relevant from the irrelevant, incapable of conceiving of anything calculated to throw the faintest light on the subject of the enquiry, once and once only up to this stage of the proceedings has he seemed to rise to the occasion. This was during the examination of the cook. Some trivial questions had been put to her and she was about to depart in peace, when the coroner laid down his pen, and his hitherto lack-lustre eye was lighted by a transient gleam of what the newcomers among the audience believed to be intelligence. He was too wily to go straight to the point, and began by asking the witness vague questions as to the lamb which she had roasted for dinner on the fatal night and made believe to attach importance to the matter of mint sauce. But this was a mere feint; amidst breathless silence, he approached the circumstances of the dish of spinach. He noted with eagerness the cook's admission that she had sent up spinach. His voice full of excitement, he asked her how many eggs were served with the spinach, and his hard struggle to conceal his disappointment when she replied that there were no eggs, was painfully evident. There is no doubt that he thought he had a

clue; his theory must have been that the antimony had been introduced into an egg. And thus it is that we are no farther advanced. We know that Charles Bravo died of poison, that Mrs. Bravo is a very naughty lady, and that Dr. Gully is a very fascinating old gentleman; but we knew most of this before the Treasury thought fit to make us pay for the details. The cost of the enquiry is something stupendous. Sir Henry James had a thousand guineas marked on his brief and receives fifty guineas a day as "refresher," which is enough to make him comfortable even in such oppressively hot weather. It is generally admitted, however, that the cleverest lawyer engaged in the case is the well known "criminal solicitor," Mr. George Lewis, junior, who has on more than one occasion amused himself by obtaining from a witness in ten minutes what the ponderous attorney-general had been unsuccessfully fishing for during half as many hours. As I am treating this sad affair solely from a useful point of view, and decline to meddle with the endless gossip to which it has given rise, it is to be noted that, in accordance with certain theories of descent, this is not the first generation of the particular Campbell family to which Mrs. Bravo belongs which has led a troublous life. Both her grandfather and grandmother received free passages to Australia in days before the tide of ordinary emigration had set towards the "fifth Continent." Placed under similar circumstances they married, and were fortunately enabled after a time to enlarge a thitherto somewhat restricted sphere. Fortune favoured their efforts and those of their son, who, coming to England possessed of considerable wealth, purchased Boscot and determined to live the pleasant life of an English country gentleman. And although the insular exclusiveness of many of his neighbours, brought to bear upon him on account of his colonial origin, is said to have caused the family to live in a certain amount of social solitude, I understand that he one year filled the important position of high sheriff of his county.

Mr. Gathorne Hardy, our present Secretary of State for War, has loyally endeavoured to carry out the views and plans of his predecessor in office, the imperious and eccentric Viscount Cardwell, but his complaisance is more worthy of admiration than his discretion, for the efficiency of our land forces appears to deteriorate month by month and year by year. The "mobilisation" scheme, about which there was such a flourish of trumpets last spring, has proved a most lamentable failure. The summer manœuvres have only sufficed to cover our military administration with shame and ridicule. The two corps d' armie supposed to be mobilised consisted of skeleton battalions of the line, a few raw militia regiments, a handful of Hussars and Lancers, no transport corps,

and about one-sixth of the required number of field guns. To call this "mobilisation" is a farce. We had much better give up our army altogether. It costs fourteen million pounds sterling per annum, and we have nothing to show for it. When so much money is, to all intents and purposes, "chucked away," it makes the most conservative military man inclined to sympathise with economists of the most pronounced radical proclivities.

With the thermometer at 95 in the shade, Parliament is still sitting; the Premier is punishing the factions members who have "stopped the way" during the session. To-morrow will be the festival of St. George, and then no doubt the most obstinate will come to their senses. The session has not been sensational or eventful. I must defer my review of its leading features until next month.

I am, &c.,  
PERIPATETIC.

## HIGH COURT—MADRAS.

HOLLOWAY AND INNES, JJ.

*Demise on Peruartham—Local custom—Right to redeem.*

*A sued to redeem certain property demised according to a local custom of Malabar on repayment of the mortgage amount.*

*HELD, in accordance with a judgment of the late Sudr Court, that land demised on Peruartham was redeemable at the market value of the time of redemption, and not on repayment of the mortgage amount.*

S. A. 79 of 1876.

P. Shekari Varma Valia Rajah v. Mangalam Ammyar and eleven others.

THIS was an appeal from the decision of Mr. D'Silva, Subordinate Judge of South Malabar, confirming a decree of the District Munsiff of Palghaut.

"The plaintiff, the Rajah, sued for the recovery of the property mentioned in the plaint, alleged to have been demised in Minom 1009 by the then Rajah on Peruartham of 5,526 fanams to the first defendant's deceased husband's late father Pichu Iyen, on payment of the Peruartham amount to the first defendant. The second defendant denied the truth of the plaint, and stated that a document of the character mentioned in the plaint was not executed to the deceased Pichu Iyen; that he (second defendant) had, at present, no interest in the

property; and that his right to the extent of 4,000 Rupees as the assignee of the first defendant had been sold by him to the twelfth defendant for Rupees 5,000. The fifth, sixth, seventh, eighth, ninth, and eleventh defendants, while denying the truth of the plaint, contended that they held the plaint paramba No. 7, having obtained it from second defendant for building houses therein, and that they owe rent to the second defendant who has purchased this and other property. The twelfth defendant contended that the suit was barred by lapse of time; that the property was derived on Peruartham by the first defendant's husband's father in Minom 1009; that this right was purchased by second defendant, who sold it to him (twelfth defendant); that Peruartham right was irredeemable; that in the event of redemption, he was entitled to the market value of the property; and that he had raised improvements and buildings at a large outlay. The first, third, fourth, and tenth defendants were ex parte.

The issues in the case were:—

Whether there was any cause of action in this suit; whether the suit was barred by the Statute of Limitation; whether Peruartham right was redeemable; whether there was any specification of amount on the Peruartham deed; and whether the twelfth defendant was entitled to receive the amount advanced at the time the Peruartham was derived, or the marketable value of the property at the time of its restoration to the plaintiff.

The plaintiff's vakil, the twelfth defendant's vakil, two witnesses on behalf of plaintiff, and the Commissioner who submitted accounts after inspection of the property were examined. The merits of the case were gone into by the District Munsiff, and it appears to him at the first hearing that the suit was not barred by lapse of time. It appeared that the defendants admitted in their written statements that the plaint property was, in 1009, demised by the plaintiff's predecessor in stancum on Peruartham right to the first defendant's husband's father, the deceased Pichu Iyen; and that the twelfth defendant was now in possession through him. The next point for consideration was whether Peruartham right was redeemable. This point the Munsiff thought did not deserve any serious attention as it had been decided by several decrees that this right was redeemable. There was no sufficient oral or documentary evidence on the part of plaintiff to show that any amount was specified on the Peruartham deed. Of the two witnesses examined on behalf of plaintiff, one stated that the Peruartham right was granted in 1009 by the then Rajah, while the other contradicted him by saying that the right was granted by the plaintiff, and neither of them were able to mention the amount of the Peruartham deed

The amount shewn in Exhibit A filed by plaintiff, and the statements of the plaintiff's witnesses convinced the Munsiff of the falsity of the assertion in the plaint that the property sued for was demised on *Peruartham* of Rupees 1,578-13-9. There was a great difference between the amount mentioned in the plaint, and that shewn in the account A. The statements of plaintiff's witnesses also did not in the least prove that any amount was specified in the *Peruartham* deed. It was therefore the Munsiff held certain that the document did not specify the amount of *Peruartham* right as to whether twelfth defendant was entitled to the amount advanced at the time the *Peruartham* right was derived, or the marketable value of the property at the time of its restoration to plaintiff, the decrees filed on behalf of the defendants shewed that in this case in which there was no specification of the amount of *Peruartham*, the twelfth defendant was entitled to the proper marketable value of the property at the time of its restoration under the decree. Under these circumstances, the Munsiff decreed that the defendants should restore the plaint property to the plaintiff, on payment by him to the twelfth defendant of the jenm value of the property to be fixed at the time of the execution of the decree, together with the value of the improvements and buildings belonging to him, and on payment to the other defendants of the value of the improvements and buildings belonging to them. Each party was ordered to bear his own costs."

From this decision plaintiff appealed to the Subordinate Court of South Malabar. The Sub-Judge improved the decree of the District Munsiff in the following words:—

"The original suit was laid to redeem six parcels of a wet land and two parambas attached thereto, with one tank, as having been demised in Minom 1009, by the plaintiff's predecessor in stauom to the first defendant's deceased husband's father, Pichu Iyen, on *Peruartham* tenure of 5,526 fanams (or Rupees 1,578-13-9), and the plaintiff offered to pay the said sum. The second defendant denied the truth of the alleged demise to Pichu Iyen, and stated that he had purchased the jenm right of the said property, with others, from Pichu Iyen for Rupees 4,000, and after making improvements thereon, had sold his right, title, and interest to the twelfth defendant for Rupees 5,000. The fifth, sixth, seventh, eighth, ninth, and eleventh defendants stated that they had severally obtained separate portions of the paramba No. 7 from second defendant to construct their dwelling houses on and made improvements, and that they were answerable only to twelfth, the representative of second defendant. The twelfth defendant contended that though the property had been demised in Minom 1009 to Pichu Iyen on *Peruartham* and had been sold

on jenm by first defendant to second defendant, and by the second defendant to himself, still the demise was not as described in the plaint, but made without specification of the sum of money, and as such the property was irredeemable. The first, third, fourth, and tenth defendants did not appear. The District Munsiff of Palghat has adjudged restoration of the property to the plaintiff on payment by him of the jenm value at which the same may be estimated at the time of the execution of the decree, and assessed the parties with their own costs.

The point for determination is whether the redemption of the property sued for is subject to the payment of only the value received at the time of the demise thereof on *Peruartham*, and what that value was. The Exhibits B, C, D, and E shew that, in two cases of property held on *Peruartham*, the ejectionment had been decreed upon payment of only the amount advanced at the time of the transaction, and that the decree in one of the cases was confirmed by the High Court. On the other side, it is shewn by the Exhibits IV, III, and II, that in a more recent case in which the amount advanced at the time of the *Peruartham* transaction had not been specified in the document, restoration of the property was decreed on payment of the actual value of it in the market at the time of redemption, and that the said decree was also confirmed by the High Court. In the present case the plaintiff sought redemption of the property by offering to pay 5,526 fanams (equal to Rupees 1,578-13-9) as the amount for which it had been demised on *Peruartham* tenure; but his two witnesses, who pretended to have been present at the time of the demise, were unable to state the amount of the *Peruartham* alleged to have been specified in the document, and that the sum entered in A is Rupees 925-11-5. I am of opinion, however, that the last mentioned entry cannot be depended upon, but must be taken to have been a mere estimate, and at the time of the preparation of the original of A; for No. I, which purports to be the *Peruartham* document executed in Minom 1009, makes no mention of the amount, and No. V, which is a regularly stamped document relating to another *Peruartham* transaction between the same parties, is also without a specification of the amount, and yet Rupees 321-6-10 was entered in the original of A as the amount of the second *Peruartham* transaction, I cannot understand how the plaintiff came to know the amount of the first transaction to be Rupees 1,578-13-9, when his own witnesses do not know it and the entry in A was Rupees 925-11-5. If the amount was really specified in the first document, No. V, which was executed eight months after, would likewise have contained a specification of the amount. As explained in my previous judgment (Exhibit III), the *Peruartham* tenure is a transaction in which the proprietor re-

ceives the full marketable value of the property for the time being, retaining the empty title of *jeum* (not being entitled to the smallest token of acknowledgment of proprietorship,) and in redeeming the property he repays, not the amount originally advanced to him, but the actual value of it in the market at the time of redemption. If he is to repay only the amount so advanced, then he does not pay *Peruartham*, because that term means full value realizable, and this value (considering the marketable value of landed property now compared to what it was thirty or forty years ago) would, on the contrary, be one hundred per cent more than the said amount. My decision of the point is that the redemption of the property sued for is subject to the payment of the actual value of it in the market at the time of redemption. I, therefore, confirm the Munsiff's decision with the slight modification that the plaintiff is to pay instead of the "jenm value" the full value realizable in the market, and I dismiss the appeal with costs against the appellant."

Plaintiff appealed to the High Court on the ground that the decree was wrong, in that it awarded to the defendants the market value of the lands in dispute, instead of the amount originally received by the plaintiff; that it was evident from A that the amount was originally specified in the instrument, and that it was Rupees 925-11-5; that Exhibit I was no evidence against the plaintiff, and could not be used to contradict A; and that the Lower Court misunderstood the meaning of *Peruartham*.

*Ramachendrainer for appellant.*

The High Court delivered the following

*Judgment:—10th July 1876.*

The question is whether on restoration of land under a demise of the kind here in question, the market value or the sum originally advanced should be paid to the tenant.

There have been conflicting decisions upon the point. The tenure is almost confined to one or two taluks of Malabar, and one member of the Court with many years' judicial experience of Malabar does not remember a single instance of the question arising.

The late Sadr Court, following an investigation conducted by a very competent enquirer in which the opinions of skilled persons were taken, decided that the sum demandable in such a case is not the money advanced, but the value at the period of exercising the power of redemption.

We do not feel justified in altering a decree supported by authorities and based upon that enquiry and following the authorities on the other side.

The special appeal will be dismissed with costs.

## HER MAJESTY'S PRIVY COUNCIL.

### [BENGAL CASE.]

*Undivided Hindoo family—Lord Canning's Proclamation—Will under Act I of 1867.*

A certain undivided Hindoo family governed by the *Mitacshara* consisted of three brothers, Chundun, Moonnoo, and Gunga Pershad. Moonnoo separated from his brothers. Chundun had five sons; Gunga Pershad three, of whom two survived him. Sheo Dyal, the son of Chundun's fourth son, claimed one-fifth of the whole estate to the exclusion of the descendants of his uncle Ram Sahoy, son of Gunga Pershad. Ram Sahoy on his part claimed, as the sole representative of Gunga Pershad, half the whole property. The sons of Gouree Shunkur, Chundun's second son, claimed the whole property as theirs, on the ground that Lord Canning's Proclamation in March 1858 vested the whole property in their father. They contended that the property thus became his sole and separate estate, and that he had no power to alienate it inter vivos or to bequeath it by will. The Judicial Commissioner found that part of the lands were settled with Chundun Lall (Gouree Shunkur's father) as the representative of the joint family, and part as his private estate; that Chundun had died before the Proclamation, but Gouree Shunkur and other members of the family survived and had been loyal; that it was not to be supposed that Government would desire to injure a loyal family; that the Proclamation did not affect family rights, and that as to the part granted to Gouree Shunkur as the reward of his loyal services, it must be remembered that his services were rendered by the use of family funds.

By Section 2, Act I of 1869, Talukdar was defined to mean any person whose name was entered in the first of the lists mentioned in Section 8, and in this list Gouree Shunkur's name appeared. By Section 3, a Talukdar was deemed to have acquired a permanent, veritable, and transferable right to his taluka. Gouree Shunkur, therefore, had this permanent, veritable right to alienate, transfer and bequeath his property. He had executed a will expressing his desire that his estate should follow the ordinary custom and be divided among his descendants, the eldest member of the family being the head. The Court of Cawnpore, however, in which Ram Sahoy brought his suit, held that Gouree Shunkur had not left a will; that the so-called will was only an answer to the enquiries of the Deputy Commissioner as to family custom; and that whatever power he had to dispose of property in Oude, he had no such power over property situated in the N.W. Provinces.

HELD, that Gouree Shunkur had obtained by the settlement made with him by Government

*a permanent, veritable and transferable right; that he had executed a will desiring that his property might follow the ordinary course of joint family property under the Mitacshara; that a document, not a will in the ordinary sense, might amount to a will under Act I of 1869; that G. S., being a just man, had devised his property as is usual under the Mitacshara, and had even in his life treated the property as joint, and his brothers and their descendants as co-sharers; that, therefore, the claim of his sons to exclude the other members of the family could not be supported, and if Ram Sahoy wished to profit by this ruling he must bring into the common stock the taluka granted to his brother and himself.*

Judgment of the Lords of the Judicial Committee of the Privy Council on the appeal of *Hurpurshad and others v. Sheo Dyal and others; Ram Sahoy v. Sheo Dyal and others; Balmokund v. Sheo Dyal and others*, from Oude, Consolidated appeals; and *Ram Sahoy v. Balmokund and others*, from the North-Western Provinces of Bengal, delivered 30th May 1876.

Present.

SIR JAMES W. COLVILE.  
SIR BARNES PEACOCK.  
SIR MONTAGUE E. SMITH.  
SIR ROBERT P. COLLIER.

THE first three of the above-mentioned appeals are from a decree of the Judicial Commissioner of Oude, in a suit commenced in the Court of the Deputy Commissioner of Lucknow, in which the respondent, Sheo Dyal, was the plaintiff; and the fourth is from a decision of the High Court of Judicature for the North-Western Provinces, in a suit commenced in the Court of the Subordinate Judge of Cawnpore, in which the appellant, Ram Sahoy, was plaintiff.

The former suit will hereafter be referred to as the Oude suit, and the Record in the first three appeals as Record No. 1. The other suit will be referred to as the Cawnpore suit, and the Record in the appeal in that suit as Record No. 2.

The parties, both plaintiffs and defendants, were members of an undivided Hindoo family, of which Koohoo Lall was the common ancestor. He left three sons, Chundun Lall, Moonnoo Lall, and Gunja Pershad. About the year 1832, Moonnoo separated from his two brothers, Chundun and Gunja Pershad, who continued undivided, lived in commensality, carried on business as bankers, and thereby acquired and amassed considerable property.

Chundun had five sons: 1, Chotay, who died in the lifetime of his father; 2, Gouree Shunkur; 3, Behari Lall; 4, Kunhya Lall, the father of Sheo Dyal, the plaintiff in the Oude suit; and 5, Jaukee Pershad. Chundun died in

1854; Gunja Pershad died in Chundun's lifetime, having had three sons, Sheo Pershad, and Ram Saboy, who survived him, and Ram Pershad, who died without issue in his father's lifetime. Sheo Pershad died without issue in 1863, leaving his brother Ram Sahoy, the plaintiff in the Cawnpore suit, his heir, him surviving.

Chotay Lall, the eldest son of Chundun, had three sons: 1, Balgubind, who died some years ago; 2, Balmokund; and 3, Baues Pershad, of whom the last two were defendants in both suits.

Gouree Shunkur, the second son of Chundun, also had three sons; Hurpurshad, Ramchurn, and Bisheshur Pershad, defendants in both suits, and appellants in the first appeal.

There were other descendants of Chundun through his sons Chotay Lall, Behari Lall, and Jankee Pershad respectively, to whom it is not necessary to refer more particularly. They are shown so far as is necessary in the genealogical table set out in the case of the appellants in the first appeal (p. 4.).

It appears from the above statement that the family consisted of two branches: the descendants of Chundun, and the descendants of Gunja Pershad.

Sheo Dyal, the plaintiff in the Oude suit, which was commenced on the 14th December 1869, claimed as the representative of Kunhya Lall, one of the five sons of Chundun, one-fifth of the whole property in suit by excluding altogether Ram Sahoy, the sole descendant of Gunja Pershad (Record No. 1, p. 2); whilst Ram Sahoy, who intervened in the Oude suit, and was the plaintiff in the Cawnpore suit, which was commenced on the 21st December 1869, claimed as the sole descendant of Gunja Pershad, one-half of all the property.

It was contended that Ram Sahoy had separated before the commencement of the suit, and had received twenty-seven villages and other property as his share. It was, however, considered by the Lower Courts that that fact had not been proved. Their Lordships are of opinion that there is no sufficient evidence of the fact, and that the decision was correct. That point may be treated as having been disposed of. It was also considered by the Lower Courts and admitted by the learned Counsel for the appellants in the first appeal, that although Chundun was the active member of the family, and the property was acquired principally through his ability, energy and exertion, no part of it could be considered as his "self-acquired property," that is to say, as having been acquired within the meaning of the Mitacshara, through his own exertions alone and without the use of any part of the family funds.

Their Lordships are of opinion that the above view is correct, and their judgment will proceed upon the basis that the family was an undivided Hindoo family, and that no portion of the

property was the self-acquired property of Chundun or of any other member of the family within the meaning of the Mitacshara.

The most important questions raised in the Oude suit are what was the effect of Lord Canning's well-known Proclamation of March 1858 of the sunnud to Gouree Shunkur, of the summary settlements, of Act I of 1869, and of the documents called Gouree Shunkur's will, upon that portion of the property which was included in the above-mentioned sunnuds and summary settlements.

It was contended on behalf of the sons of Rajah Gouree Shunkur, the appellants in the first appeal, that all the estates included in the sunnuud and summary settlements, whether previously joint property of the family or not, became the separate self-acquired property of Rajah Gouree Shunkur, that he was the sole malgozar thereof, and that he and his sons were the sole beneficial owners of it; that he had no power to transfer it by will or by alienation *inter vivos*; and as to the twenty-seven villages, it was stated that although in April 1858, the summary settlement with regard to them was made with Kunhya Lall (p. 211), there was afterwards a mutation of them into the name of Rajah Gouree Shunkur (p. 395, l. 45).

It was also stated on their behalf that many, but without specifying which, of the villages included in the sunnud and summary settlements were never part of the joint family property.

By the 8th paragraph of the Proclamation it was declared amongst other things that Chundun Lall, Zemindar of Mourawan, and five other persons therein mentioned, were thenceforward the sole hereditary proprietors of the lands which they held when Oude came under British rule; and it was further declared by the 9th paragraph that, with those exceptions, the proprietary right in the soil of the province was confiscated to the British Government. (Record No. 1, p. 12.)

It was held by the Judicial Commissioner, in his judgment before remand, that the words Chundun Lall in that paragraph (probably the words used were Chondi Lall, as stated by the Judicial Commissioner, Record 1, p. 140)—were used as the generic name of the undivided Hindoo family (*id.*, p. 142, l. 15), and that the title of the constituent members of that family, as it existed in 1858, to whatever landed estates were held by them or their agents, directly or indirectly, on the 13th February 1856 (the date of the annexation of Oude), was maintained to them, and was not conferred upon Rajah Gouree Shunkur, notwithstanding any wording of the sunnud or the fact of his executing a cablent for the estates between the 1st April 1852, and the 10th October 1859, but that the remaining portions of the estate rested on a different basis (*id.*, p. 142, l. 34; p. 381, l. 11).

As to those portions he was of opinion that they "must be held to have been *prima facie* the sole property of Rajah Gouree Shunkur, and that as a consequence of this (confirmed by Section 4, Act I of 1869), he had power to alienate it by act *inter vivos*, or to bequeath the whole or any part of it." (p. 142, lines 42 and 48; p. 381, l. 28.)

The former portion, he held, would follow the custom of the family, whilst the other portions would be regulated by the bequest of Rajah Gouree Shunkur, if he had made one, or, failing that, by Act I of 1869. "The succession," he adds, "to the personal property is independent of all special considerations, and must be regulated by Hindoo law and by family custom" (Record No. 1, p. 143, l. 9). Again he says, "So far as concerns the ancestral estate of personal movable property the will has no effect, for, over that, Rajah Gouree Shunkur had no testamentary power" (*id.*, 144, l. 19).

The same views are expressed in the judgment under appeal (*id.*, 380, 381).

Their Lordships concur with the Judicial Commissioner that the 8th paragraph of the Proclamation applied to that portion of the estates of Mourawan which belonged to the family at the time when Oude came under British rule, notwithstanding Chundun's name was inserted in that paragraph. Chundun died in 1854, long before the mutiny. He personally could not have been referred to in the 7th paragraph of the Proclamation as one of those whom the Governor-General declared it to be his intention to reward for their steadfast allegiance at a time when the authority of Government was partially overborne, and who had proved it by the support and assistance which they had given to British officers. But Gouree Shunkur was one of those who had given support and assistance to Government, and not only Gouree Shunkur, but also Sheo Pershad and other members of the joint family. The gomashas of the several banking firms of the family were also loyal, and rendered good service to Government (*Record 1*, p. 279, l. 10).

It can scarcely be supposed that the Governor-General intended to injure any member of this loyal family, and by confiscation and grant to transfer the beneficial interest in the joint estates of the whole family from the several members of it to a single member of the family for his own sole benefit.

As regards, therefore, the estates which were exempted from confiscation, the sunnuud and summary settlements were a mere grant by Government to one member of the family of property which belonged to the family jointly. They could not of themselves affect the rights of the family.

As regards that part of the property granted to Gouree Shunkur which, if any, was not previously part of the family estates, it cannot be

held to have been the separate self-acquired property of Gouree Shunkur within the meaning of the Hindoo law. It was granted as a reward for loyalty and for the support and assistance rendered to British officers; such services as those referred to in Gouree Shunkur's petition (Record No. 1, 279), could not have been rendered without the use of funds which must be presumed to have been those of the joint family.

This point, however, is not very material, for even if some part of the property was self-acquired by Rajah Gouree Shunkur, he, according to their Lordships' views, hereafter stated, transferred it to the family.

With regard to Act 1 of 1869 the Judicial Commissioner held that it did not confiscate or confer title in landed estate (Record 1, p. 379, l. 36). He says: "The preamble expressly recites that the title in talukas has already been conferred: the Act declares what in the sight of Government are 'talukas,' regulates the order of succession to such; and defines and, perhaps, creates certain special interests." Their Lordships, however, cannot concur with the Judicial Commissioner in his view that the Act did not confer title.

By Section 2 the word "talukdar" is defined; it is declared to mean "any person whose name is entered in the first of the lists mentioned in Section 8." Rajah Gouree Shunkur's name was entered in that list (Record No. 1, p. 122, l. 3; *id.* Supplement, p. 3, No. 19, p. 9, No. 2); and Section 10 made the list conclusive evidence that he was a talukdar within the meaning of the Act.

By Section 3 it was enacted that every talukdar with whom a summary settlement of the Government revenue was made between the 1st day of April 1858, and the 10th day of October 1859, or to whom, before the passing of the Act and subsequently to the 1st day of April 1858 a talukdary sunnud had been granted, should be deemed to have thereby acquired a permanent, heritable, and transferable right in the estate comprising the villages and lands named in the list attached to the agreement or cabulient executed by such talukdar when the settlement was made, subject to all the conditions affecting the talukdar contained in the orders passed by the Governor-General of India on the 10th and 19th days of October 1859, and republished in the first schedule thereto annexed, and subject also to all the conditions contained in the sunnud under which the estate was held.

Section 4 is as follows:—

"Every person whose lands the Proclamation issued in Oude in the month of March, 1858, by order of the Governor-General of India, specially exempted from confiscation, and whose names are contained in the second schedule hereto annexed, shall be deemed to possess in the lands for which such person executed a cabulient between the 1st

day of April 1858, and the 1st day of April 1860, the same right and title which he would have possessed thereto if he had acquired the same in the manner mentioned in Section 3; and he shall be deemed to hold the same subject to all the conditions affecting talukdars which are referred to in the said section, and to be a talukdar for all the purposes of this Act."

Gouree Shunkur's name was not contained in the second schedule annexed to the Act, but Chundun's was.

Summary settlements were made with Gouree Shunkur between the dates specified in Section 3; and a talukdary sunnud was granted to him before the passing of the Act, and subsequently to the 1st April 1858, viz., on the 11th December 1859, by which the Government bound itself to maintain him and his heirs as sole proprietors of the estate (Record No. 1, p. 21).

Chundun did not enter into a cabulient for the lands to which the suit relates, but Gouree Shunkur did. It therefore appears to their Lordships that Gouree Shunkur came within Section 3 of the Act. If he did not, he came within Section 4. It makes no difference, however, in the result which is the section within which the case falls, for both sections confer the same right and title.

Their Lordships are consequently of opinion that Gouree Shunkur must, in consequence of the Act, be deemed to have acquired a permanent, heritable and transferable right in the estates to which the suit relates, being those which comprised the villages named in the lists attached to the agreements, or cabulients executed by him when the settlements of the different portions of the estates were made; and this, as regards both the villages which were, and those, if any, which were not, previously part of the family property.

They are, however, also of opinion that Gouree Shunkur had power by will or by alienation in his lifetime to transfer the estates which, by virtue of the Act, were not merely heritable, but transferable.

By Section 11, it was enacted that, subject to the provisions of the Act, and to all the conditions under which the estate was conferred by the British Government, every talukdar and grantee, and every heir and legatee of a talukdar and grantee, of sound mind and not a minor, should be competent to transfer the whole or any portion of his estate, or of his right and interest therein, during his lifetime, by sale, exchange, mortgage, lease, or gift, and to bequeath by his will to any person the whole or any portion of such estate, right, interest, &c.

The remainder of that section, and Sections 12 and 13, contain provisions relative to such transfers which do not apply to the present case.

Section 14 enacted that if any talukdar or grantee shall heretofore have transferred or be-

*queathed* or if any talukdar or grantee, or his heir or legatee, shall hereafter transfer or bequeath, the whole or any portion of his estate, to another talukdar or grantee, or to a person who would have succeeded according to the provisions of this Act to the estate, or to a portion thereof if the transferor or testator had died without having made the transfer and intestate, the transferee or legatee and his heirs and legatees shall have the same rights and powers in regard to the property to which he or they may have become entitled under or by virtue of such transfer or bequest, and shall hold the same subject to the same conditions, and to the same rules of succession as the transferor or testator.

Then comes Section 15, which is very important, and which enacts that—

"If any talukdar or grantee shall heretofore have transferred or bequeathed, to any person not being a talukdar or grantee, the whole or any portion of his estate, and such person would not have succeeded according to the provisions of this Act to the estate or to a portion thereof if the transferor or testator had died without having made the transfer and intestate, the transfer of, and the succession to, the property so transferred or bequeathed shall be regulated by the rules which would have governed the transfer of, and succession to, such property if the transferor or legatee had brought the same from a person not being a talukdar or grantee."

The next question is how and to what extent Rajah Gouree Shunker exercised the power of alienation conferred by the Act.

All the Courts in the Oude suit, as well as the Subordinate Judge of Cawnpore, have given effect to the documents called the will of Rajah Gouree Shunker; but they put different constructions upon them.

The following is a translation of one of the documents dated 7th February 1860, Record No. 1, page 28, l. 19:—

"I, Rajah Gouree Shunker, Talukdar and Zemindar of Hurha, Targaon, &c., in the district of Oonao, who have received from the British Government the proprietary right of Hurha, Targaon, &c., in the district of Oonao, in perpetuity, have been requested by Government to submit an application on the subject of primogeniture, with a view that the taluka may not be split into pieces, as I would wish. Now, the custom that has been followed in my family, for generations past, is this—that the eldest member of the family continues to be the head, while the others remain obedient to him; but every one possesses a share in the taluka. Under the custom of the family the other brothers are at liberty to have their share separated, should they wish it. The head has no power, under the old custom, to alienate the estate without consulting every sharer. I, therefore, wish that the old custom of maintaining the share of each shareholder be preserved, in opposition to the one in accordance with which one member of the family is allowed to succeed."

The other documents applicable to property

in other districts are similar in effect, though not in the identical words. (Record No. 1, p. 28, l. 44, and p. 29, and *id.* p. 438, &c.)

Other material documents are those called the tabular statement and Chundun's chit.

The document called the tabular statement, and the letter in which it was submitted, are at pages 30 and 31 (Record No. 1). The following are translations of the letter and tabular statement:—

"To the Tahsildar,

"Sir,

"I received your former letter, together with the form of a statement of succession, desiring me to fill in the columns, and also your latter communication, calling for the statement. As directed by you, the statement is herewith submitted, duly filled in.

"Pray make no objection to the entry, sons of Lalla Chotay Lall, and sons of Lalla Jankee Pershad, deceased.

"The object desired is attainable by such an entry.

"Yours faithfully,

"(Signed) RAJAH GOUREE SHUNKER,

"Banker of Mourawan.

"13th May 1860.

STATEMENT INCLOSED.

Name of Taluka.	Number of Persons in the Family fit to Succeed	Jummus of the Estate.	Name of persons in favour of succession of one Member of the Family.	Name of persons against the succession of one Member of the Family.	Rajah Gouree Shunker.
Jubroules, &c.	Sons of Lalla Chundun Lall, deceased:— 1. Son of Lalla Chotay Lall, deceased; 2. Rajah Gouree Shunker; 3. Lalla Behari Lall; 4. Lalla Kunbya Lall; 5. Son of Lalla Jankee Prosad.	Sons of Lalla Gunga Prosad, deceased:— 1. Lalla Shiva Prosad : 2. Lalla Ram Sahoy.	...	...	

"Remarks.—The following rule has prevailed with regard to succession in the family of Rajah Gouree Shunker:—The eldest son in the family is regarded as the head, with the consent of all the sharers, and the others remain subject to him; but all the sharers retain their shares, and in case of disagreement between them, each sharer is at liberty to have his share separated."

The translation of Chundun's chit is at page 10 (Record No. 1). It is as follows:—

"Let documents be drawn out, under the instructions herein conveyed, and then you will be at liberty to live together or separate from each other. Each sharer will take his share, half in money, and half in gold, silver and debts due from

parties. Any member of the family may take me to live with him, or all the members may manage it, so that they may divide among themselves the expenses which may be incurred on account of the necessaries of my life.

" My brother Gunga Prasad	...	20,000
" Chotay Lall will get double share...	30,000	
" Gouree Shunkur	...	15,000
" Behari Lall	...	15,000
" Kunhya Lall	...	15,000
" Jankee Prasad	...	15,000

" All the females and children should certainly go to the Ganges, and bathe there. They may go either to Nujuf Gurh or Cawnpore, or Bruhmawat.

" Any members wishing to live together may do so, while others may live separate, and pursue their occupation. Each member will supply his own family with food, clothing, and jewels. Marriages, &c., should be celebrated after consultation with all the members.

" Koonwar Soodee, 10th 1892 Sumbut, or 1243 Fusly."

In the Cawnpore suit the High Court held that none of the documents amounted to a will.

They said, " We have no hesitation in assenting to the contention that neither the reply as to the custom of primogeniture, nor the tabular statement which followed it, can be regarded as testamentary. They contain no devise or bequest, nor any language from which a devise or bequest can be inferred." And again : " It cannot be supposed that in replying to the inquiries made by the Deputy Commissioner the talukdars of Oude set themselves to make their wills. It appears to us that the Rajah Gouree Shunkur intended no more than to inform the authorities of the custom of inheritance prevailing in the family of which he was a member, and to indicate the persons interested as sharers of the family property. Moreover, whatever may have been the power of disposal which the Rajah possessed over the property in Oude, which point it is not necessary for us to determine, he neither had, nor does it appear that he assumed to have, any power to dispose of the property in suit," that is, the property in the North-Western Provinces. These remarks were very appropriate in the case before the High Court in the Cawnpore case. It is clear that the documents had no reference to property in the North-Western Provinces, and that they did not contain a bequest or testamentary disposition of any part of such property. But with regard to that part of the property in Oude, to which they related, the case is very different. That which was not a will in the ordinary sense of the word, might, in their Lordships' opinion, have amounted to a will within the definition of Act I of 1869. By Section 2 of that Act it is declared that the word " will" means " the legal declaration of the intention of the testator with respect to his property affected by this Act, which he desires to be carried into effect after his

death." It appears to their Lordships that the document of the 14th February 1860, and the other documents, which were very similar, did declare the intention and wishes of Gouree Shunkur, which he wished to be carried into effect after his death with respect to all the estates which the Government had assumed to confer upon him by the sunnud, &c., including that part which was ancestral, as well as that which was granted to him for the first time. Gouree Shunkur, as an honest and just man, and as a conscientious Hindoo, did not wish that after his death the property which belonged to the family jointly should pass to his eldest son as his heir, and continue to descend according to the rules of primogeniture. He wished things to go on as before, and that that which had been joint family property should continue joint family property.

It appears, from the judgment of the Judicial Commissioner, that documents, such as those which have been called the will of Rajah Gouree Shunkur, have been treated and spoken of by the talukdars of Oude as their wills.

He says, Record No. 1, p. 381, l. 38 :—

" In ordinary cases this could hardly be construed as a 'will,' for there is no direct allusion to the death of the executor, nor can it be said that there is a distinct direction as to the devolution of his property after his death.

" But in Oude it is a matter of notoriety that the letter to which these documents are answers were expressly intended to elicit and register the wishes of each talukdar as to the descent of his landed estate after his death, and the replies are to this day spoken of by talukdars as their will *when no other has been made*.

" Its form is immaterial as it was made prior to the passing of Act I of 1869, and the power of Hindoos to make even nuncupatory wills has been decided in repeated judgments submitted by the Lords of the Privy Council.

" I find that this document correctly describes the intention of the Rajah in respect to the devolution of his taluka after his death, and that it is correctly described as a 'will.'"

Their Lordships concur in this view. They go further, however, and are of opinion that the declaration in those documents of the wish of Gouree Shunkur, acted upon as it was by him and by the other members of the family in his lifetime, and coupled with the tabular statement, was evidence sufficient to prove an alienation *inter vivos*, which in Gouree Shunkur's lifetime transferred the property to the family, to be held by them as joint family property. No evidence was given to show that the rents and profits of the estate did not continue, even during the life of Gouree Shunkur, to be brought, like the other assets of the family, to the family treasury, for the use of the undivided family. In the Cawnpore case, Mohun Lall, one of the sons of Chotay, said, " Every one used to take out of the profits as much as he required." (Record

No. 2, p. 145). In the tabular statement sent in May 1860, Rajah Gouree Shunkur entered his own name not alone, but with the other members of the family, as the persons fit to succeed: he could not have intended to devise to himself by a will or codicil—he clearly meant, by entering his own name as one of the sharers, to express his wish and intention that the estates should be held jointly during his own life as well as after his death. (Record No. 1, pp. 30, 31).

Their Lordships are of opinion that the transfer of the property to the joint family was complete in the lifetime of Gouree Shunkur, and that it was acted upon in his lifetime as well as after his death. Behari Lall and Kunhya Lall, and the other members of the family succeeded to the estates, not by inheritance, for they were not Gouree Shunkur's heirs, but by survivorship, and Behari Lall and Kunhya Lall, respectively, became managers, according to the custom of the family, and as they would have done if no change had been effected by Lord Canning's Proclamation, &c. The beneficial interest continued in all the surviving members of the joint family.

In his petition, dated 28th June 1867, Rajah Behari Lall stated that all the present members of the family acquiesced and consented that the tabular statement (in one part of the petition called a "testament," and in another "an instrument"), which was filed during Rajah Gouree Shunkur's incumbency, was binding and effectual. (Record No. 1, p. 323.)

No special mode of transfer is required by the Hindoo law, even a verbal transfer is sufficient.

It may be urged that Section 16 of the Act enacts that no transfer of any estate, or of any portion thereof, or of any interest therein, made by a talukdar or grantee, or by his heir or legatee, *under the provisions of this Act*, shall be valid unless made by an instrument in writing signed by the transferor and attested by two or more witnesses. But that section was not intended to be retrospective or to affect transfers made previously to the passing of the Act. Sections 14 and 15 speak of transfers "heretofore made," and it never could have been the intention of the legislature to render void sales or transfers made before the passing of the Act by one talukdar to another talukdar under Section 14, or by a talukdar to any other person under Section 15, if not made by a writing signed by the transferor in the presence of two or more witnesses. If Gouree Shunkur had in his lifetime sold the estate and conveyed it by deed to another talukdar, Act I of 1869, passed after Gouree's death, would not have rendered the sale void. Sections 17 and 18 are clearly not retrospective, and Section 19 applies only to future cases, and it provides expressly that nothing shall affect wills executed before the passing of the Act. Section 16

applies to transfers, and Section 19 to wills, but both sections use the words "*made under the provisions of the Act;*" they cannot be held to apply to a transfer made by deed, will, or otherwise nine years before the Act was passed.

For the reasons above stated, their Lordships are of opinion that the claim of the sons of Rajah Gouree Shunkur to exclude the other branches of the joint family from any share in the talukdary estate cannot be supported, and that the conclusion of the Judicial Commissioner in his first judgment to the effect that the same law of succession must be applied to the entire landed estate, and to the movable property, is correct. It is hardly necessary to remark that Ram Sahoy, if he seeks to take the benefit of the ruling, must bring into the common stock the talukdary property, which was ostensibly granted to his brother Sheo Pershad, or which stands in the name of Sheo Pershad, or of himself.

The next question is what is the rule of succession to be applied.

Upon the first hearing before the Deputy Commissioner, he rejected the claim of Ram Sahoy altogether, and awarded to the plaintiff one-fifth share of all the property as that to which he was entitled under the will of Rajah Gouree Shunkur. Upon appeal the Commissioner modified that decree, and, putting a different construction upon the so-called will, awarded to the plaintiff a one-seventh share of all the property, movable and immovable.

Upon special appeal to the Judicial Commissioner he remanded the case for the trial of certain issues of fact, of which the only important ones to be considered are the sixth and seventh. They are as follows:

"6. What is the measure of the share of each party. In the personal property? In the estate now found to be ancestral? In the acquired estates?

"7. What is the family custom as to succession?" — (Record No. 1, p. 145.)

Under those issues fresh evidence was given us to Chundun's chit, which had been found by the Deputy Commissioner not to have been proved.

It is always dangerous to allow parties to make a new case, and to call fresh evidence upon an issue on which they have failed upon the evidence originally adduced in support of it, and more especially is it so in the Mofussil Courts in India. But the parties not only gave fresh evidence upon the issue as to Chundun's chit, but they were allowed to set up an entirely new case and to enter into evidence to prove that Ram Sahoy and other members of the family had actually signed copies of the letter and had agreed to be bound to take upon partition of the immovable estate, shares corresponding in extent with those specified in Chundun's chit, as to the 110,000 Rupees

therein mentioned. That was a new case altogether, which had never been suggested or raised by any of the parties in either of the Lower Courts in Oude, or even before the Judicial Commissioner on appeal, and in support of that case witnesses who had been examined upon the first trial were examined *de novo*, and materially altered and added to their former evidence.

As the ultimate decision of the Judicial Commissioner after the remand turned upon Chundun's chit, their Lordships will proceed to consider the evidence given with reference to that document. Before doing so, however, it will be well to go back and refer with more particularity to the proceedings in the Oude suit.

The plaintiff claimed one-fifth of the whole property, movable and immovable, basing his claim on the will of Gouree Shunkur.

Hurpurshad claimed to be entitled, as the eldest son of Gouree Shunkur, to succeed to the whole of the Mourawan estate (Record No. 1, p. 75, l. 20), whilst the other sons of Gouree Shunkur contended that the wishes of Gouree, as expressed by the document (in one place called by them a will, and in another a deed), were that the property should be divided amongst all of his sons. (*id.*, p. 76, l. 9 and 11.) The only parties in the Oude suit who relied upon the paper called Chundun's chit were Rughurdyal, Mohun Lall, Ram Dyal, and Kashee Pershad, grandsons of Chotay Lall, and great grandsons of Chundun, and Balmokund and Banee Pershad, sons of Chotay and grandsons of Chundun. They said that the taluka could not, under the will of Behari Lall, be broken up (p. 77, l. 12), and they set up Chundun's chit merely as to the movable property, houses, and gardens. They never stated or alleged that any of the members of the family had signed copies of it or had assented to, or agreed to be bound by it. It was contrary to their case that it was intended to apply to any part of the immovable estate. Their pleader, Kali Pershad, stated, in the fifth ground of their defence, as follows :—

"According to a letter of Lalla Chundun Lall, Chotay Lall was entitled to one-third of the movable property, houses, and gardens. Plaintiff is therefore entitled to one-sixth." (Record No. 1, p. 77, l. 13). This was by putting Ram Sahoy out of the case altogether, and claiming to divide the movables amongst the five sons of Chundun and their descendants, and giving Chotay a double share under Chundun's chit. In this way they reduced the plaintiff's share in the movable property from a fifth to a sixth, and set up a claim for Chotay's descendants in the movables, houses, and gardens, to two-sixths or one-third, being a double share. Balmokund, by the same pleader, stated that he, and not the sons of Gouree Shunkur, was entitled to succession,

meaning, no doubt, that he was entitled to the whole of the immovable estate as talukdar. (Record No. 1, p. 77, l. 44) That claim, however, has since been abandoned.

Ram Sahoy, the descendant of Gunga Pershad, contended that the plaintiff, as representing one of the five sons of Chundun, was entitled to a one-tenth share, that is to say, to one-fifth of a half, only, he himself claimed the other half, as representing Gunga Pershad's branch of the family. He was not originally made a defendant in the Oude suit, but he intervened and was allowed by the Deputy Commissioner to contest the plaintiff's claim only so far as it related to a share in the twenty-seven villages which stood in his name, leaving him the option of making good by a separate suit any further claim he might have (Record No. 1, p. 86, l. 41).

The only issue in the Oude suit in the Court of the Deputy Commissioner which raised any question as to Chundun's chit was the eleventh (Record No. 1, p. 87), and this had reference to the movable property only. The issue was as follows :—

"Are the descendants of Chotay Lall entitled to one-third of the movable property, houses and gardens," and the onus of this issue was stated to be on the descendants of Chotay Lall.

Upon that issue the Deputy Commissioner found that the alleged chit was not genuine, and very properly so upon the evidence then before him, for the original had been withdrawn and was not produced. It has already been stated that the Deputy Commissioner in his judgment before remand awarded the plaintiff one-fifth of the property, and that upon appeal by Ram Sahoy to the Commissioner that decree was modified and one-seventh awarded to the plaintiff.

The judgment of the Commissioner was delivered on the 7th May 1870, in Ram Sahoy's appeal only. On the 6th May, only the day before the Commissioner gave judgment in Ram Sahoy's appeal (Record No. 1, p. 120, l. 26), the defendants Balmokund and other descendants of Chotay, including Mohun Lall, presented another appeal (*id.* 108), and on the 12th May 1870, five days after the judgment of the Commissioner the defendants Ramchurn and others preferred a third appeal (Record, p. 118), both of the last two appeals being against the decision of the Deputy Commissioner of the 28th March 1870. The appeals appear to have been out of date (Act VIII of 1859, Section 83) unless there was great delay in granting a copy of the decree appealed against. Be this, however, as it may, the appeal of Balmokund and others was admitted and judgment was pronounced upon it by the Commissioner, who upheld the judgment he had given on Ram Sahoy's appeal.

One of the grounds of the appeal by Balmokund and other descendants of Chotay, includ-

ing Mohun Lall, to the Commissioner from the decision of the Deputy Commissioner was, not that upon the evidence the Deputy Commissioner ought to have found in favour of Chundun's chit, but that they had had no opportunity of proving Chundun's chit put in evidence by them on the first hearing of the suit. (Record No. 1, p. 109, l. 34, and p. 121, l. 21).

The Commissioner expressed no opinion upon the point though he stated generally that nothing had been advanced to shake the propriety of his decree in the other appeal, which in fact gave no effect to Chundun's chit.

From that decision a special appeal was preferred to the Judicial Commissioner by Balmokund, Mohun Lall and others, in which they set up a ground of appeal as regards Chundun's chit similar to that which had been stated in their appeal to the Commissioner (Record No. 1, p. 136, l. 4); but they still claimed in their appeal the right for Balmokund, as the eldest member of Chundun's family, to succeed to the whole of the immovable estate (*id.* p. 135, l. 37). With regard to the custom of the family and Chundun's chit, they said, "The appellants have had no opportunity to produce evidence with reference to the custom of the family, the will of Rajah Behari Lall, and the writing of Chundun, and to file the latter" (Record No. 1, p. 136, l. 4). The Judicial Commissioner expressed no opinion with reference to that ground of appeal, though he ought to have done so. If he had expressed a judgment upon the point, he ought to have held on special appeal that, as a matter of law, there was nothing in the objection. The appellants had not, nor had any one of the parties to the suit, set up a custom in the family with regard to the extent of shares to which brothers and the descendants of deceased brothers were entitled on partition of immovable estate. They had every opportunity to do so if they wished, and to prove it, if they could. With regard to Chundun's chit, they not only had an opportunity of filing it, but they actually did file it in the Court of the Deputy Commissioner, but they afterwards withdrew it before the hearing (Record 1, p. 96, l. 15); and they also gave such evidence as they thought fit respecting it, but did not produce the original.

Sheo Churn, on the first trial before the Deputy Commissioner, stated that two copies of the letter, that is, Chundun's chit, had been made and signed by Hurpurshad, Behari Lall, Ram Narian, Kunhya Lall and Madho Pershad, and he afterwards added, and by Baboo Ram Sahoy (*id.* p. 84).

Mungul Sing said (*id.* p. 84):—

"I was sitting near the Baradurree one morning in Magh, 1275 F., Rajah Behari Lall, Ram Churn, Beni Pershad, Mohun Lall, Hurpershad, Ram Sahai were there; Belmokund was having his hair dressed at a little distance. They all agreed to abide by Lalla Chundun Lall's letter,

and went away. A Hindoo chit was written (he does not say a copy of Chundun's chit was made) by Rajah Beharee Lall, and Kunya Lall, Ram Sahai, Beni Pershad, Hurpershad, Ram Churn, Madho Lall signed it. I cannot write or read.

"*Cross-examination.*—Hurpershad took this letter away. Beni Pershad took the original of Chundun Lall. Ram Sahai took away another. I was there by chance. I never was sent for before."

As regards the evidence given after the remand respecting Chundun's chit, their Lordships consider that the Deputy Commissioner was correct in stating that, with the exception of the testimony of Beni Pershad and Deenanath, the additional evidence (*id.* p. 351 to 357), merely goes to show the existence of the document (*id.* p. 373, l. 3). That fact is now admitted. Deenanath's evidence is at p. 358.

He says at l. 17: "I have seen with Beni Pershad and with Hurpurshad a chit purporting to be written by Chundun Lall a year before I entered his service. I saw the letter during Chundun's life, and he spoke to me about it, and said he wished Gunga Pershad's sons to get 20,000 Rupees, Chotay Lall's 30,000 Rupees; and the others 15,000 Rupees each (Oude Record, p. 358, l. 18).

This shows that Chundun's intention when he wrote the document was that the several members of the family should each receive the particular amount set opposite to his name. Chundun, certainly, according to that evidence, does not appear at that time to have inserted the amounts as expressing the proportions in which the property of the family was divisible by custom or was at all times in future to be divided if partition should take place. Deenanath, however, added that the conversation was casual, and in answer to the Court said "In the conversation above described I understood from Chundun Lall that he meant the whole property to be divided amongst the kinsmen in those proportions; the word 'Ursaha' was used by him. The conversation arose at the time of Golam Ali Khan driving the family across the Ganges in 1255 Fasly." That was about the year 1848, and the conversation applied to the property as it existed at that time.

The statement as to what the witness understood from Chundun in 1848 to be his meaning is too loose and unsatisfactory to be acted upon; it was never mentioned or even alluded to either in his examination or cross-examination at the first trial; is quite at variance with the statement in his examination-in-chief that Chundun had told him that he wished Gunga Pershad's sons to get 20,000 Rupees, Chotay Lall's 30,000 Rupees, and the others 15,000 Rupees each, coupled with his statement in cross-examination that Chundun's property consisted of 400,000 or 500,000 Rupees when the paper was written.

The Deputy Commissioner in his judgment, referring to this statement of Deenanath, says :—“ This evidence is not sufficient to justify the Court in attaching to the document a meaning different from that on the face of it,” and their Lordships entirely agree with him.

Deenanath did not, on his examination after remand in the Oude suit, speak to the fact of copies having been made or signed by other members of the family. His evidence was given on the 19th August, and it will be seen that, when examined before the Subordinate Judge in the Cawnpore suit on the 10th March 1870, he swore not only that copies had been made and signed, but that after finishing the copy the following sentence was added thereto : “ Every one should divide and take his share, according to the letter of Lalla Sahib” (Record No. 2, p. 148). He is the only witness who spoke to that fact. Beni Pershad, one of the sons of Chotay, who was interested in acquiring a double share for his branch of the family, said :—

“ Two copies of the letter were made by Behari; one copy was given to Ram Sahoy, and the other to the descendants of Chundun;” but he did not state that any sentence was added thereto, or that the copies were signed by any of the members of the family, though he is one of the persons who was said by Mongul Sing to have signed them. He went on :—“ The chit of Chundun should regulate the partition of the property of every description” (368, l. 28). But this was mere matter of opinion. He did not at that time state that any agreement to the effect was ever entered into by the family, and it is quite at variance with the defence which he had set up.

The Deputy Commissioner, in his judgment on remand, found that there was no ascertained custom as to partition (Record, No. 1, p. 369, l. 5), and putting Chundun’s chit out of the question their Lordships are of opinion that that finding was correct.

With respect to Chundun’s chit, the Deputy Commissioner, after giving his reasons in detail, and amongst others that the original document had not been produced, said :—“ I am still of opinion that the proof of the genuineness of the document is insufficient; and even admitting its genuineness, I cannot set any value upon it.” He said :—

“ It has been found that Chundun Lall and Gunga Pershad were a joint undivided family, and hence Chundun Lall had no legal power to deal with more than his own share, i.e., one-half of the joint property.

“ For these reasons I set aside altogether the so-called writing of Chundun Lall. It has been found above that no ascertained family custom respecting partition has been established, and I find, in consequence, on the issue, that the measure of the share of each party in the personal property is Hindoo law, under which Babu Ram

*Suhai will take one-half (five-tenths), and the sons of Chundun Lall, or their representatives, each one-tenth.* In the ancestral estate, and that acquired up to the 14th February 1856, I find that the measure of the share of each party is also Hindoo law, and that under it Babu Ram Suhai will take one-half, and the sons of Chundun Lall, or their representatives, each one-tenth. I find that in the acquired estate of Babu Sheo Pershad, i.e., Buntha Taluka, Babu Ram Suhai is entitled to the sole ownership, the measure of his share being Act I, 1869, and in the acquired estate or ‘grant’ of Gouri Shunker, as previously explained, I find that the measure of the share of each of the parties is the will of Rajah Gouri Shunker, under which the sons of Chundun Lall, or their representatives, and Babu Ram Suhai, will each take one-sixth.”

The finding of the Deputy Commissioner, taken on remand, afterwards went before the Judicial Commissioner. He found that Chundun’s chit was genuine, not that all or any of the parties had signed a copy or copies of it, or had agreed to be bound by it; but he considered that the document set forth the custom under which the ancestral estate had been held, and to which both Rajah Gouree Shunker and Baboo Sheo Pershad in their wills, and Rajah Behari Lall, in his petition, alluded.

The following is an extract from his judgment, p. 384, l. 23, Record 1 :—

“ The Court of First Instance would apply to the ordinary Hindoo law, but it appears to me that such a ruling would not only be in direct contravention of the repeated declaration of this family for many years, that the joint estate was subject to family custom; but in direct opposition to the expressed wishes of the two grantees, Rajah Gouree Shunker and Baboo Sheo Pershad, in respect to the estates over which they respectively had a power of testamentary disposition.

“ Had these latter intended that their grants should be divided according to Hindoo law, nothing could have been easier or more natural than for them to say so. But what they do say is, ‘ We have a custom under which we now hold family property, and by that custom we wish the succession to our acquired estate to be regulated.’

“ I think it impossible for any member of the family to say that the division should be by law, rather than by family custom.

“ The difficulty is to decide what is that custom.

“ The two instances of separation in previous generations do not assist us, for they are evidently not regulated by a common law, but were friendly agreements, the amounts given off being determined amicably, and based probably on facts known to the parties concerned, and to no one else.

“ It is hardly disputed that the greater portion of the property held prior to the recent grants was acquired by Chundun Lall and his eldest son, Chotay Lall; and I myself can speak, from many years’ experience, to the veneration in which the Burra Lalla (Chundun Lall) was held by the joint family, and to the fact that all agreed that though the family lived and hoped to continue as undivided, yet that Chundun Lall had made a division prior to his demise, which was preserved in the family archives, and recognized by them.

"A paper, purporting to be a copy of the record of the division so made in Chundun Lall's own handwriting, has been produced in this suit, and it is admitted that it is a copy of the document filed in the Court of Oawnpore.

"Some ridicule has been cast upon this paper, and the Court of First Instance deemed it unnecessary to inquire into its genuineness or its validity.

"The ridicule was misplaced, for the points which, to the ignorant, appear ridiculous, are precisely those which prove the paper to be a genuine production of the patriarchal head of an undivided Hindoo family.

"In this Court there has been no real attempt to deny its genuineness, nor evidence offered to refute it, and as it has been found by the highest Appellate Court to be genuine in a suit between some of those parties in respect to properties held by them in the North-Western Provinces, and not subject to the special law of Oude, I think it unnecessary to remand this case again for trial of that issue, and, under my special power of review, I find that the document produced as Chundun Lall's is genuine.

"Finding that, I have no doubt but that that document sets forth the custom under which the ancestral estate has been held, and to which both Rajah Gouree Shunkur and Baboo Sheo Pershad in their wills, and Rajah Behari Lall, in his petition, allude."

He then declared his finding on the several issues directed on the remand, and on the sixth and seventh. He said, on the sixth, "I find that the measure of the division of the personal property, the ancestral and the several acquired estates, including the Bunthra taluka, is the custom of the family; and on the seventh, that the family custom is set forth in the writing of Lalla Chundun Lall, and that by it there falls of the entire estate divided into 22 portions, to the heirs of Gunga Pershad, 4 portions; to the heirs of Chotay Lall, 6 portions; to the heirs of Rajah Gouree Shunkur, 3 portions; to the heirs of Behari Lall, 3 portions; to the heirs of Kunhya Lall, 3 portions; to the heirs of Jankee Pershad, 3 portions."

And he concludes thus:—

"I therefore find that plaintiff, Sheo Dyal, as the only son of Lalla Kunhya Lall, is entitled to a share equal to three out of twenty-two equal portions of the entire estate, and cancelling the decree of the Commissioner of Lucknow, dated 7th May and 2nd June 1870 (as before), I amend, as above, the decree of the Deputy Commissioner of Lucknow, dated 28th March 1870, said share to be enjoyed by said Sheo Dyal, subject to and in accordance with the will of Rajah Gouree Shunkur, deceased; and, considering the courteous and liberal manner in which the advocates of all parties have in this Court consented to the arrangement which enables the interests of all concerned to be determined in one judgment, I rule that when finally taxed in this Court all the costs in all the Courts in this case shall be costs against the estate."

The finding upon theseventhissueisaltogether at variance with the cases set up by the several

defendants in the suit, none of whom—as before observed—with the exception of the descendants of Chotay Lall, ever relied upon Chundun's chit, and they, only as regards the movable property.

The genuineness of the document is now admitted, but it does not of itself prove a custom.

A custom is a rule which in a particular family or in a particular district, has from long usage obtained the force of law. It must be ancient, certain, and reasonable, and being in derogation of the general rules of law, must be construed strictly. But Chundun's chit did not allude to or prove a usage in the family, or profess to lay down a certain definite rule which could be applied to any other state of facts than that which existed at the time it was written. It was not, and could not be, acted upon or applied to all cases of partition amongst brothers or descendants of brothers. It was a mere proposal for the division of 110,000 Rupees amongst certain then existing members of the family. What general rule can be extracted from it? Is it that in all cases where there are two brothers, the eldest having five sons, shall take nothing (for that was the case as to Chundun, by his own chit), that his eldest son shall take six-twentyseconds or three-elevenths, the rest of his sons three-twentyseconds each, and his brother four-twentyseconds, and what is to be the case where there are more than two brothers or the descendants of more than two? Their Lordships are of opinion that Chundun's chit did not declare, was not intended to declare, and was not evidence of, a valid family custom. There was no evidence in the Oude case of an agreement by which the parties bound themselves to act upon it on any future partition of the family property, movable or immovable. The Judicial Commissioner did not rest his judgment upon the fact that an agreement between the parties had been proved, but upon the fact that Chundun's chit set forth a custom under which the ancestral estates had been held, and to which he stated Rajah Gouree Shunkur by his will alluded. He referred to his own experience with regard to the veneration in which Chundun was held, and to his knowledge that the family had recognized a division which Chundun, prior to his demise, had made.

It ought to be known, and their Lordships wish it to be distinctly understood, that a Judge cannot, without giving evidence as a witness, import into a case his own knowledge of particular facts. If the means of knowledge of the Judicial Commissioner of the facts spoken to by him in his judgment, as depending upon his own knowledge, were capable of being tested, it would probably turn out that it depended upon mere rumour or hearsay, and that his evidence as to those facts would not have been admissible if he had been examined as a witness. But even if the Commissioner's statement of facts

from his own knowledge be taken as evidence, Chundun's chit did not establish a custom as to the extent of shares upon partition, especially as regards immovable property. As to such property the terms of it were not applicable. It expressly says, "Each sharer will take his share half in money and half in gold, silver, and debts due," and if the translation in the Cawnpore case is to be relied upon, it says, "half the estate consists of cash, and the other half of silver, gold, and debts" (Record 2, p. 94); which shows that it was intended to apply only to property of that description.

The Judicial Commissioner not only found that Chundun's chit set forth the custom as to the shares in which the family property was divisible, but he interpreted the documents called Gouree Shunkur's will, and the tabular statement, as referring to a family custom by which the extent of the shares of the different members of the family was regulated. Their Lordships do not put that construction upon those documents. No such custom was set up by any of the parties to the suit in answer to the plaintiff's claim. The custom referred to in the documents called a will was merely that "the eldest member of the family continues to be the head;" "that every one possesses a share; that the other brothers are at liberty to have their shares separated if they wish it; that the head has no power to alienate without consulting every shareholder;" and a wish was expressed that the old custom of maintaining the share of each shareholder should be preserved in opposition to the rule of primogeniture. But there is no allusion to any custom under which the different members of the family were entitled upon partition to shares other than those provided by the rules of the Mitacshara.

Deenanath, in his evidence, says, "The custom of the family was that the eldest member had the direction." Gouree Shunkur did not state in the tabular statement, any more than in the documents called a will, that there was a custom as to the extent of the shares to which the several members were entitled upon partition. In the tabular statement he divides the members of the family fit to succeed under two heads, "the sons of Chundun" and "the sons of Gunga Pershad." He does not number them from one to seven; but he numbers Chundun's sons from one to five under one heading, and Gunga's sons one and two under the other; he puts himself down as one of the five, and inserts grandsons in the place of deceased sons, thus: "The sons of Chotay Lall, deceased," and "the son of Lalla Jankee Pershad, deceased." He does not state that Chotay's sons will take two shares, but puts them down as representing their father as one of the sons of Chundun; and he also puts down Jankee Pershad's only son as representing his father, as another of the sons of Chundun.

The entry is as follows:—

Sons of Lalla Chuudun Lall, deceased:

1. Sons of Lalla Chotay Lall, deceased.
2. Rajah Gouree Shunkur.
3. Lalla Behari Lall.
4. Lalla Kuhya Lall.
5. Son of Lalla Jankee Pershad.

Sons of Lalla Gunga Pershad, deceased:

1. Lalla Shiva Prosad.
2. Lalla Ram Sahoy.

See also tabular statement, Record No. 1, p. 71, in which the words "descendants of Chotay Lall" are used instead of the words "sons of Chotay Lall."

Their Lordships consider that the proper interpretation of that document is that Gouree Shunkur considered, represented, and declared that it was his wish and intention that the property should be divisible *per stirpes*, and that is clearly the mode in which, in the absence of a family custom, the property being joint, would have been divisible under the Mitacshara. See the "Mitacshara" on Inheritance, Chapter 1, Section 5, para 12.

It is not likely that Gouree Shunkur, who had had the sunnaud granted to him, and been allowed to engage for the Government revenue, intended to say, and it is clear that he did not say, that it was his wish that his nephews, Chotay's sons, as representing their father, were entitled, by custom or otherwise, to a share double the amount of that to which he himself was entitled. He certainly did not refer to Chundun's chit, and he could not have referred to the copies which are alleged to have been made and signed after his death.

The Judicial Commissioner's judgment as to what was the nature and extent of the custom is founded entirely on Chundun's chit. The custom spoken of by Rajah Gouree Shunkur in the documents called his will, is a custom said to have existed in his family for generations past. There certainly was no evidence of any partition in the family in which the property had been divided in the proportions specified in that document. The evidence, such as it was, was all the other way. It showed, so far as it went, that upon the partition between Chundun and Gunga Pershad and Moonnoo each took one-third. See Runjeet Sing's evidence (Record No. 1, p. 352, l. 7; *id.*, l. 20, p. 353). Ram Sahoy swore that Rajah Behari Lall told him that the documents showed that upon the separation of Moonnoo two-thirds of the property was reserved for Chundun and Gunga Pershad (Record No. 2, Supplement, p. 4). Deenanath, in his evidence, says, "when Jubboo separated he got a 4 annas share, and Chundun 12 annas of joint property. I have often heard this. When Moonnoo separated, out of 4 annas he got 1 anna 3 pie; Gunga, 1 anna 3 pie; and Chundun, 1 anna 6 pie. The 12 annas was

not divided, it was left to meet expenses of the business."

The evidence in the Oude suit cannot be supplemented by that which was given in the Cawnpore suit in December 1870, long after the final decision of the Judicial Commissioner, of October 1870, was pronounced.

Reliance was placed upon Ram Sahoy's letters, as showing his own admission that he had no right to any share in the family estate. It cannot now be disputed that he is entitled to a share, though the extent to which he is entitled is a matter in dispute. Their Lordships agree with the view which the High Court took of those letters. They consider that, regard being had to the circumstances, an admission that he was not entitled to anything cannot be fairly drawn from them. He probably was under the impression at the time they were written that by virtue of Lord Canning's Proclamation, and the sunnud which had been issued, his beneficial interest as a sharer had been confiscated, and that Behari was the beneficial owner of the whole of Mourawan. The letters, if they amount to an admission at all, amount to an admission that he was not entitled to any portion of the Mourawan estates, they certainly cannot be evidence to show that he was entitled to only two-elevenths of it.

Their Lordships having decided that the property which was granted to Rajah Gouree Shunkur by sunnud, &c., was transferred by him to the family to be held as joint family property, the whole of the property in dispute in both the suits must be governed by the same rules. Their Lordships are of opinion that neither by custom, usage, contract, nor by any other means, has the property in dispute in the Oude suit at any time become divisible upon partition in any other manner or in any other shares than according to the rules of the Mitacshara. They are of opinion that the finding of the Judicial Commissioner on the sixth and seventh issues, that the measure of division of the personal property, the ancestral and the several acquired estates, including the Bunthra estate, is the custom of the family, and that that family custom is set forth in the writing of Chundun Lall, and his decree founded upon that finding are erroneous, and that the property must be divided according to the rules of the Mitacshara. There is not sufficient evidence to warrant a finding that Ram Sahoy was to take the Bunthra estate and the twenty-seven villages as his share of the property; and their Lordships are of opinion that the twenty-seven villages must be held to form part of the joint family estate, and must accordingly be divided as part of it.

It was agreed at the hearing of the appeals that their Lordships should decide whether the Bunthra estate is part of the joint family

property, and is divisible in the same manner as the Mourawan estate. They are of opinion that it is. Sheo Pershad to whom it was granted, having signed documents similar to those which were signed by Gouree Shunkur as to the Mourawan estates (Record No. 1, p. 27, l. 30), Bunthra became part of the undivided family estate.

With regard to the property which is the subject of the Cawnpore suit, their Lordships are of opinion that Chundun's chit does not apply to it; and that it is not satisfactorily proved that the members of the family ever agreed that upon partition it should be divided in the proportions specified in Chundun's chit with respect to the 110,000 Rupees therein mentioned.

Banee Pershad's evidence in the Cawnpore suit, given on the 19th December 1870 (Supplemental Record in that suit, p. 2), is very different from that which he had previously given on the 23rd August 1870 in the Oude suit after the remand.

He was greatly interested in the result as one of the descendants of Chotay Lall, and his evidence in the Cawnpore suit was given after the last judgment of the Judicial Commissioner had been pronounced on the 29th October in that year.

He then stated for the first time that copies of Chundun's chit were signed by six members of the family, that is to say, by the eldest son of each stock.

But even that would fall short of proving that they had agreed that upon any future partition of immovable property, their shares should be adjusted in the same proportions as those in which the 110,000 Rupees mentioned in Chundun's chit were to be divided. None of the witnesses corroborated the evidence of Deenabandhu given in the Cawnpore suit (Record No. 2, p. 148), that an additional sentence was added to the copies of Chundun's chit which the parties are said to have signed.

Chundun's chit had reference only to movable property, and, without some addition, could not be applied to the partition of immovable property.

Banee Pershad went on to say that the signed copies were delivered, one to Hurnpurshad, and one to Ram Sahoy (Supplemental Record, Cawnpore case, p. 2, l. 18), the persons above all others whom it was necessary to bind by them. The story is most improbable. Ram Sahoy (Record No. 2, Supplement, p. 4) swore that an arrangement was come to by which Bunthra and other property was to be taken by him as his share, and in this he was corroborated by Banee Pershad. The latter, after stating that copies of Chundun's chit were

signed, said "After this Ram Sahoy got the twenty-seven villages in Oude, and took the profits. Ram Sahoy took the twenty-seven villages in accordance with the arrangement. The chitta on account of the whole estate was not made up, but these villages were given to Ram Sahoy to receive the full profits, while the remaining villages continued to be attached to the Koothee at Oonao (*id. Supplemental Record*, p. 2, l. 25, &c.).

Further he said Rajah Behari did not sign the paper which I have deposed was drawn up in his lifetime, he wrote the copies and his son signed it. (*id. p. 3, l. 1.*)

Again "at the meeting of the family at which the document executed by all of us was prepared, there was no mention made of any other paper but the document of Chundun."

Hurpurshad denied that a copy of Chundun's chit was signed by the family. (*Record No. 2, p. 180.*)

Ram Narain said he did not know whether he had ever signed such a paper. He said "If I see the paper I can say," but none was produced.

Mohun Lall who was interested in obtaining a double share for the descendants of Chotay, of whom he was one, on his first examination before the Subordinate Judge (*Record No. 2, p. 148*), did not corroborate the other witnesses as to the delivery of the signed copies to Hurpurshad, and Ram Sahoy respectively, but he corroborated Ram Sahoy and Ram Pershad as to an agreement having been come to by which Ram Sahoy was to take the twenty-seven villages, &c., in lieu of his share. He said in his evidence, taken 18th March 1870, (*Record No. 2, p. 146, l. 3*) "about two and a half or three years ago Rajah Behari Lall, Hurpurshad, and Ram Pershad were looking at the document —i.e. Chundun's chit—and I was present there," but he does not say that copies were made or signed by any of the family.

Deenanath in his first deposition in the Cawnpore suit (*Record No. 2, p. 148*) said the copies were signed in 1274 Fusly, which would be about the time above mentioned by Mohun Lall. In his deposition in the Oude suit after remand (*Record No. 1, p. 358*) he speaks of the chit, and not of the copies. In his examination before the High Court after adjournment, he said the copies were made in 1275 Fusly.

Mohun Lall in his deposition taken on 7th December 1870, after the adjournment, says, "I first saw it about three years ago," that would be in 1867.

Further, in his first examination in the Cawnpore suit, Mohun Lall, speaking of Chun-

dun's chit, said (*Record No. 2, p. 143, l. 29*):— "It is in the hand-writing of Chundun;" and he went on—"Subsequently in the time of Rajah Behari Lall a partition deed was executed by the members of the family, and signed by all of them. Rajah Kunhya Lall, Baboo Ram Sahoy, Lalla Balmokund, Madho Pershad, Hurpurshad and Ram Narain attached their signatures to the document. It is probably with some of the members of the family" [here some of the words are omitted, probably "it was agreed that the family"] "should divide the property according to the directions of Lalla Chundun Lall, contained therein." Here he speaks of a deed of partition, which was probably with some of the members of the family. He could not refer to the copies of Chundun's chit which, in his examination after adjournment by the High Court he said were given, one to Hurpurshad and one to Ram Sahoy (*Record No. 2, p. 182*). He proceeded:—"Leaving out the property in Oude, the plaintiff, that is Ram Sahoy, is entitled to those estates which are situate in Cawnpore and Futtahpore districts, and in respect of which his name is entered in the register. I mean, that the plaintiff's share is equal to all the estates in respect of which his name has been recorded in conformity with the letter executed by Lalla Chundun Lall. The plaintiff's share in the firm is, in my opinion, equal to two-eleveths, according to the letter referred to above," &c. Again he says (*p. 144*):—"In the petition of Rajah Behari Lall, bearing order, dated the 14th January 1868, which was presented to the Deputy Commissioner of Oonao, it is stated that the entry of the names should be effected in conformity with the Memorandum of Lalla Chundun Lall. The Memorandum referred to therein is the document marked C, (Chundun's chit), and the Razeenamah or agreement mentioned therein is the agreement of which I have spoken above. It was in conformity with this petition of Behari Lall, that is, in compliance with the provisions contained therein, that the plaintiff caused his name to be entered in column 9 of the Revenue Register of the district of Oonao in respect of the twenty-seven villages."

The High Court, in their first judgment, speaking of the agreement mentioned in the petition of Behari Lall of the 9th February 1868, say:—

"There is other evidence to show that such an agreement was made. Mohun Lall deposed that a deed of agreement was drawn up in the lifetime of Behari Lall, and signed by the members of the family, including the plaintiff. Deenanath, the head gomashta of the firm at Mourawan, states that Behari Lall sent to Hurpurshad, who had the key of the cash room, for the paper drawn up by Chundun Lall in October 1835, and had a copy made of it which was signed by all, it being agreed that a division of the property should be

made in accordance with its provisions. Shoo Churn Lall states that the copy was made in his presence, and signed by all the members of the family. Shunker Buksh deposes that he heard from the plaintiff that Behari Lall had recently written a paper which was signed by all parties; and Mahadeo deposes that the plaintiff informed him on two occasions that he would take his share in accordance with the paper written by Chundun Lall."

Again—

"It is much to be regretted that the Court of First Instance did not examine the plaintiff as to the making of the agreement to which the witness referred; and if the Court had been satisfied that such an agreement was in fact made and reduced to writing, it should have called upon the parties to produce it, for it would have had a material bearing on the plea of the defendants, that the plaintiff had assented to the arrangement" (see Record No. 2, p. 178, l. 36; and p. 179).

Further they say:—

"There remains only the question,—was the principle of division indicated in the paper written by Chundun Lall assented to by the plaintiff, or those from whom he claims, or was there any other arrangement assented to, with respect to the division of the property, at variance with the ordinary rules which govern the partition of joint property? This issue was not distinctly raised in the Court below; and although there is some evidence on the record on which we might determine it, to enable us to do so satisfactorily, we deem it essential that the agreement to which reference has been made by several witnesses as having been prepared in the lifetime of the Rajah Behari Lall, should be called for, and, if it exists, be put in evidence. At present we have only secondary evidence of its contents, and, although no objection was taken to its admission in the Court below, we hesitate to act upon it until we are assured that no better evidence exists. We, therefore, call upon the defendants to produce the document to which we have referred, and to give proof of its identity with that spoken to by the witnesses; and if the plaintiff desires to contradict the evidence of the execution of the document which may be adduced by the defendants, he is at liberty to tender himself for examination."—(Record No 2, p. 279, l. 21.)

The evidence of Mohun Lall (Record 2, p. 143) and of Beni Pershad appears to refer to a document containing an arrangement by which Ram Sahoy was to take the twenty-seven villages, &c., and probably, according to Beni Pershad, Bunthra and other property as his share. The document may have referred in terms to Chundun's chit, and for these reasons, copies of it may have been made and signed by the family for identification. If the parties intended that all the property should be divided in the proportions mentioned in Chundun's chit, it is improbable that they should have signed only copies of the chit when it referred to specific movable and not to immovable property.

In their second judgment, delivered on the 21st August 1871, the High Court say: "We adjourned this case in order to obtain the production of the copies of the document alleged to have been written by Lalla Chundun Lall in October 1835, which, as we observed in the former part of our judgment, was deposed to by several witnesses. We have, however, failed to obtain its production."

In their former judgment the Court stated that they adjourned for the production of the agreement spoken to by Mohun Lall, not merely for the production of the copies of Chundun's chit. The defendants did not produce the deed of agreement, nor either of the copies of Chundun's chit, which were said to have been signed; nor did they sufficiently account for the non-production of them if they existed. The High Court did not find that it was out of the power of the defendants to produce the agreement or the alleged copies of Chundun's chit, and unless that was the case there was no excuse for Chotay's descendants not producing them if they existed. The issue as to whether a rule for partition of the joint family property, other than that provided by the Hindoo law was agreed upon, was entirely new. None of the defendants set up as a defence that a special rule for partition had ever been fixed by custom or agreement, or that any arrangement had ever been come to by the family to divide the property in the proportions fixed by Chundun's chit with reference to the 110,000 Rupees mentioned in it. Chotay Lall's descendants set up quite a different case, viz., that the property was all Chundun's, and that Chundun had by his chit voluntarily assigned to Ram Sahoy a two-eleventh share in some of the property. Harpurshad and others of the defendants also set up that, excluding the estates granted by Government, which belonged to those to whom they were granted, the descendants of Chundun were entitled to the whole of the property, and that the plaintiff, Ram Sahoy, had no right to any share in it. (See Record No. 2, pp. 10, 11, 12).

The High Court, although they had failed to obtain production of the copies of Chundun's chit, or the agreement spoken to by Mohun Lall, to which they alluded in their first judgment (Record No. 2, p. 178), allowed several of the parties and other witnesses to be examined not merely for the purpose of accounting for the non-production, but as to the fact that such documents had been executed. It was the interest of Harpurshad to show that Ram Sahoy was not entitled to a half share, and for that purpose to produce the document, if it ever existed, and had been delivered to them. But he upon his oath denied it altogether.

The High Court remarked that they could not say that any of the witnesses gave their

evidence in a manner which impressed them very favourably.

In a case of conflicting evidence of witnesses who do not commend themselves by the manner in which they give their evidence it is a safe rule to look to the conduct of the parties. In the present case the High Court did not attach sufficient weight to the conduct of the parties, nor confine them to the defences set up by their written statements, but they suggested a rule for the partition of that of which the parties alleged that the plaintiff had no right to a share (Record No. 2, pp. 11, 12, &c.) They not only did that, but they allowed witnesses who had been examined before to be recalled and examined *de novo*, and thereby enabled them to amend their former evidence. If all the heads of the several branches of the family, including Ram Sahoy, the plaintiff in the Cawnpore suit, Sheo Dyal, the plaintiff in the Oude suit, Hurnpurshad, who claimed the whole of Mourawau, and Balmokund who made a similar claim, had in 1868 agreed that the whole property, movable and immovable, should be divided in the same proportions as the 110,000 Rupees mentioned in Chundun's cbit, their conduct in making claims and setting up defences such as they did in the Oude case in 1869, and in the Cawnpore case in 1869 and 1870, and in endeavouring to exclude Ram Sahoy from any share in the property, was wholly inconsistent with the alleged agreement. If the Court intended to call for fresh evidence, they ought to have recorded their reasons for doing so. This is a rule laid down by Act VIII of 1859, and is one which this Tribunal has frequently held ought to be strictly adhered to. But the Court did not adjourn the case for the purpose of taking further evidence and allowing witnesses who had been examined to be recalled and to amend their former evidence, but simply for the production of a document, with liberty to call witnesses to prove its identity. Even this was a course which ought not to have been adopted. The case set up was entirely new, and there was no reason to give the parties an opportunity of producing a document upon which they had not relied in their claims or defences, and which, if they had relied upon it, they ought, according to the provisions of Act VIII of 1859, to have filed with their other exhibits, unless they could prove that the document was not in their possession.

Their Lordships are of opinion that the High Court were in error, after adjourning the case, as they did, for the production of a document, in allowing witnesses and several of the parties who were interested in the result, and had been previously examined, to be recalled, and to add to and vary the evidence which they had previously given, in order to prove a case which they had not set up.

Their Lordships also think that the conclu-

sion at which the High Court arrived upon the evidence, in the absence of the production of the documents for the production of which they had adjourned the case, was also erroneous.

Upon the whole their Lordships are of opinion that there was no custom in the family nor any agreement proved which disentitled the several members of the family to receive, on partition of the joint family property, the shares to which they were entitled under the Mitacshara. According to that law, the property was divisible *per stirpes*. (See The Mitacshara on Inheritance, Chap. 1, Section 5, para. 12).

The plaintiff in the Cawnpore suit, as the sole descendant of Gunga Pershad, was consequently entitled to one-half, and the sons of Chundun and their descendants respectively each to the fifth of a half, or, in other words, to one-tenth of the property in that suit, according to the rules of the Mitacshara.

Their Lordships are of opinion that the parties are entitled to those shares in all the property movable and immovable in both suits, and also in the twenty-seven villages and in the Bunthra estate; and they will humbly recommend Her Majesty to reverse the decrees of the Judicial Commissioner and of the High Court respectively, and to decree to Ram Sahoy, the plaintiff in the Cawnpore suit, one-half of the property in that suit, and to decree to Sheo Dyal, the plaintiff in the Oude suit, a fifth of one-half, or, in other words, one-tenth of all the property in that suit, including the twenty-seven villages, and also to award and direct that the Bunthra estate be divided in the same proportions as the other property, that is to say, *per stirpes*, one-half to Ram Sahoy, and one-tenth to the descendants of each of the five sons of Chundun respectively, according to the rules of the Mitacshara.

Their Lordships will not interfere with the decree of the Judicial Commissioner so far as it relates to the costs in the Courts in Oude. They are of opinion that they should be paid out of the property to which the Oude suit relates. They are also of opinion that, under the circumstances, the costs in both the Courts in the North-Western Provinces ought to be paid out of the property to which the Cawnpore suit relates.

They will therefore further humbly advise His Majesty that the costs in all the Courts below, both in the Oude suit and in the suit in the North-Western Provinces, be ordered to be paid out of the property to which those suits respectively relate.

The costs of all the parties in these appeals will be taxed here, and must be paid out of the properties to which the suits respectively relate.

## OFFICIAL PAPER.

## FOREST BOUNDARY BETWEEN THE WYNAAD AND MYSORE.

*Proceedings of the Madras Government, Revenue Department, 26th June 1876.*

Read the following Proceedings of the Board of Revenue, dated 19th May 1876, No. 1311, Forest No. 48.—

Read the following :—

Letter from Lieut.-Colonel R. H. BEDDOME, Conservator of Forests, to the Honorable D. F. CARMICHAEL, Secretary to Government, Revenue Department, dated Ootacamund, 1st April 1876, No. 456.

I HAVE the honor to inform you that I have just completed a tour of three weeks in the Wynnaad Forests with Mr. Peet, the Deputy Conservator.

2. The most important matter connected with the Teak forests of Wynnaad is the settlement of the Mysore boundary. Mr. Peet states that the Mysore Forest Department has made a great encroachment upon our forests near Rampore. Instead of taking their boundary line from that place along the cart-track which runs along a ridge and follows the water-shed till it meets Tod and Stephens' line at a point near their third stone as proposed by Dr. Cleghorn in 1859, and afterwards agreed to by both Governments, they have adopted a boundary which cuts Tod and Stephens' line at a point much nearer Ooscottah, and about where the second stone was originally placed. We met Mr. Fraser of the Survey Department at Shegabettta; he had just been making a survey of the boundary lines, and he informed me that Mr. Peet was correct in stating that Mysore had encroached upon our boundary as decided by Dr. Cleghorn. I have just received the G. O., No. 398, of the 21st March, and the Board's docket thereon, by which I perceive that the subject is forwarded to the Collector of Malabar for report, and he will doubtlessly lay the whole before Government in due form.

3. This, however, is not the only dispute. Mr. Peet states that the Mysore Forest Department have largely encroached upon our boundary line between the large Mango tree (Yerra man) west of Shegabettta and the Cubbony River. By the Trigonometrical Survey Map, our boundary from this tree runs W.N.W. to a small stream running into the Mavina hulla, thence the Mavina hulla is our boundary till it meets the Carnagal hulla close to its junction with the Cubbony; this was always understood to be our boundary till 1868, when Mysore stated that the Carnagal hulla was their

boundary, claiming thereby all the tract lying between these two rivers.

G. O., Revenue Department, dated 27th April 1868, No. 1129, with a Map.

G. O., Revenue Department, dated 24th April 1868, No. 103.

By the Government Orders as per margin, it will be seen that a new boundary line was fixed by Lieut. Fullerton on behalf of Wynnaad and Lieut. van Someren on behalf of Mysore, and that each was accompanied by a Revenue Officer. From the Mango tree as far as the small stream running into the Mavina hulla, the old boundary, as laid down in the Trigonometrical Map, was adhered to; thence a line was drawn direct to the junction of the Mavina hulla and Carnagal hulla (exactly N. W.); the trees were blazed the whole way, and arrow marks cut here and there by Lieutenant Fullerton; this boundary was sanctioned by both Governments, but I think that there is no doubt that the Mysore Forest Department have cut a boundary considerably to the S.W. of this line as fixed, thereby taking in nearly all the forest they originally claimed. Mr. Underwood, the Deputy Collector, who accompanied the party with Lieutenant Fullerton, came out from Manantoddy, and he and Mr. Fraser of the Survey and some of the Kurumbers also who had been with Lieutenant Fullerton's party went along the whole distance of the line with Mr. Peet and me as far as the Cubbony, and we had no difficulty in following it with the aid of the marks on the trees and the compass, but the boundary as cut by Mysore runs as I have said considerably to the S.W. of this and not up to the junction of the two rivers alluded to. From Lieutenant Fullerton's map and Lieutenant van Someren's description, both published in the Government Orders marginally quoted, Mr. Fraser will have no difficulty in laying down this boundary as already settled between the two Governments, nor will he have any difficulty about the dispute near Rampore. The forests are very unhealthy just now and until the 20th May, but I would suggest that after that date no time should be lost, and that Mr. Peet and one of the Mysore Forest Officers should meet Mr. Fraser and see the question satisfactorily settled. It may seem strange that it has not been detected before, but in a large forest like this nothing can be done without consulting the compass, and great credit is due to Mr. Peet for having detected it. As far as I could learn, these boundaries have been cut entirely by native subordinates of the Mysore Department. By the boundary as adjusted by Dr. Cleghorn near Rampore and again by the line fixed by Lieutenants Fullerton and van Someren between the Mavina hulla and the Carnagal hulla, we have lost a very considerable tract of some of the finest Teak that appeared to belong to us by the evidence of the oldest maps, but now there is an attempt at a much greater encroachment.

4. The Wynnaad Government Teak Forests

cover an area of about 100 square miles; they abound with much valuable Teak besides other valuable timbers, viz., Blackwood (*Dolbergia latifolia*), Hone (*Pterocarpus marsupium*), and Mutti (*Terminalia glabra*); they have never as yet been taken in hand systematically and are capable of very much improvement. There is far too much bamboo (chiefly the male bamboo *Dendrocalamus Strictus*) throughout the tracts, besides much worthless growth of soft wooded trees, creepers, &c., which should come out and make way for more Teak and Blackwood, and fire annually sweeps through the forests and does very great damage. Felling has been carried on without any proper selection; it is true that only the larger trees have generally been cut, but these have not often been marked or selected with reference to their position, &c.

5. These forests may be said to be the finest Teak tract now belonging to Government. The North Canara Forests have long since gone over to Bombay, and the South Canara Teak Forests are being, I hear, alienated from the State, and the Aunamallay Teak Forests, though of finer growth than anything in Wynnaad, are comparatively a small tract, of which a great portion is only held by Government on lease. I think therefore that every thing should be done to improve these forests, and that a considerable sum should be allowed annually for this purpose for several years to come, and I feel certain that money spent upon fostering the natural growth of the seedlings in these tracts will be more advantageously laid out than spending it on any Teak plantations at Nollumber or any where else either in the plains or hill tracts.

6. It is not proposed to fell timber this ensuing year beyond what may be necessary for Government requirements, and I would restrict it until the whole tract is properly surveyed and marked out into blocks.

7. We cannot possibly attempt any improvements until the forest is divided into blocks with broad ridges round them, and forest surveys made of the contents of each, showing the percentage of each description of tree and of bamboos, their ages, &c., and working plans and maps regularly kept in the Forest Office with records as to all improvements proposed or carried on in each block.

8. All this will cost money and be the work of time; but I think it should be commenced at once, and, under a regular system of this sort, these forests will at some future date become a mine of wealth to the State.

9. Throughout the whole tract, which I estimate roughly at about 100 square miles, the Chetties possess many holdings, and besides these there are many portions that might be excluded from our blocks and eventually given up for cultivation.

10. It is impossible to say, even roughly, what the area of these blocks will be until the surveys have been completed; probably not less than sixty square miles; the blocks will vary in size according to circumstances, but none should exceed five square miles in extent. After the surveys have been made, it will probably be necessary to divide the forest into two or three series each under a Sub-Assistant Conservator, and the blocks (which will answer to the "affectations" of the French) into compartments (parcilles), each block will have its own forest guard or guards and its own records.

11. Mr. Peet is a trained Forest Surveyor, and from his long training in France, thoroughly understands the system now proposed, and is most anxious to commence it in his division. I request that early orders may be passed on this subject, and that he may commence at the eastern or the Rampore side of his forests directly the Mysore boundary question is satisfactorily settled.

12. The Benni Teak Forest which adjoins the leased forests of Mudumallay is portion of this Government Wynnaad Teak tract, but this has always been attached to the Mudumallay Division, and I think it must remain so.

13. These forests will probably always have to be worked on the *Selection Felling System* (*Jardinage*), the trees being allowed to remain as now of all ages from large timber to seedlings, the system still in force in many mountain forests in Europe; to introduce the system of *felling by rotation of area*, the more advanced European system, it would be necessary to bring the trees of each compartment to one and the same age by the plan called *natural regeneration*; this would be the work of many years and impossible to attempt until we find that we can effectually exclude fire.

14. A few experiments on the latter system would be interesting and instructive, and a few compartments might be selected and laid up for this. I observed a few small tracts of many year old *Takkal* where all the Teak trees were of exactly the same age from the stool, all having been cut down in the same year for cultivation; such tracts are naturally far advanced towards the conditions necessary to introduce this system.

15. Wild elephants are most abundant in these forests; they were trumpeting every night round our camp, and they or their fresh tracks were seen every day; they are probably increasing rapidly, now that there are strict orders for their preservation, and unless some system of catching them is shortly put in force, they will soon become a great nuisance. They are very destructive to cultivation and to the forests, even in their present uncared-for state, but when systematic forestry comes into play,

I am afraid to think of the destruction they will commit. I should like to see them all caught within the next five or six years, and this would not be a question of much expense if both this Government and Mysore took it in hand systematically, and the Mysore Forest Department will be equally anxious on the subject if they intend introducing systematic forestry into their portion of the belt, which I believe they do. We are in the greatest need of elephants for timber operations in several of our forests, but I hear that nearly all those lately caught by Government on different occasions have died either almost directly after their capture or soon after they were handed over to the Forest Department or otherwise disposed of. If this is the case, elephant-catching must be an expensive matter; such loss, however, does not occur in Ceylon and Burmah, and can only be the result of their treatment after capture not being understood.

16. A Mr. Brightriter, a German at present at Nellumbur, has been appointed as Forest Ranger for this division under the new revision scheme; he will be quartered in the forests at Chedalett, N. W. of the Battery, or near Rampore, as the Deputy Conservator may decide with reference to proposed operations. It is absolutely necessary that a small brick and chunam house should be erected for him immediately; the present hut at Chedalett is a wretched thatched tumbledown hut that no one could be asked to live in. I propose a small house of two rooms built of brick and chunam and tiled similar to the small houses which the Engineer's Department have lately been erecting in different parts of Wynnaad, and which I believe have cost about 1,000 Rupees each; and I request that the Deputy Conservator may be allowed to send in a plan and an estimate for it through the Collector, and the godowns, stable, &c., can for the present be temporary thatched huts. Similar houses will be necessary at Rampore, Chedalett, and Goondry, but two of these can wait till next year. The Collector has already sanctioned some 600 or 700 Rupees for a wooden house in the Kodracote Forests west of the Cubbony River, and this is in course of erection, and will do for the present; but the white-ants are so terribly destructive in the Wynnaad, that no wooden house will last very long.

17. These forests contrast favorably with the Anamallays as regards health; they are I believe quite healthy during the monsoon and cold weather and only feverish between the setting in of the first showers (generally late in March) and the 20th of May; whereas the Anamallay Teak Forests are also very feverish during the cold months (December and January). This year the showers set in unusually early and caught us whilst in camp in the Teak forests, and I anticipated that we should all

probably get attacks of jangle fever; and since my return two out of the five servants who accompanied me have been laid up with severe fever, but the others have apparently escaped altogether.

18. These forests should in time become one of the best training grounds for the department.

19. A large area of about twenty-five or thirty square miles of some of the finest growth of Teak and situated nearly in the centre of the belt belongs to the Pulpilly Temple. This was given up to the temple by Government in their Order, Revenue Department, No. 2551-A, dated 5th December 1862, and it has always been a great thorn in our side; it has quite ruined our market at times, and always opened great facilities for smuggling; the Teak has been cut out most recklessly, and Mr. Peet informs me that there is hardly any of marketable size now left. The Rulers of the temple originally leased it out to a contractor at a very low rate, I believe  $3\frac{1}{2}$  Rupees per cart load of 60 cubic feet, but I could not obtain positive information on this point; but this contractor is said to have made a very large profit by again sub-letting it. As it is now nearly worked out, and there will be no Teak available for some years, it is probable that Government could acquire the forests at a reasonable rate either for purchase outright or on stamp fee, and I hope that the Collector of Malabar may be empowered to negotiate for it; if not acquired now, it will in future years be a very great drawback to the conservancy of this very important forest, and I think that Government should bid very high for it rather than lose it.

20. A small tract known as the Pambaray Forest is also in dispute; it adjoins the Pulpilly Forest on the S. W., and also contains much Teak; the Poodadi Nambiar who claimed it has died intestate. Government should also get possession of this, if possible. I have asked the Collector to add a note on this subject to this report, as I could not learn much about the right of the question in the district.

21. I was sorry to find that some felling of Hone logs had been undertaken in the Chedalett Forest during the dry season, and that consequently some of the logs had been much injured by fire; this is quite an innovation, as, formerly, felling only went on during the monsoon and the logs were all got out, or safely stored in depots before the annual fires.

22. We have always looked to Mysore as a market for the timber from these forests, the demand for Bangalore being very great; I was sorry to find that our Mysore Depôt had been given up, rather precipitately I think, considering that the Pulpilly Forests, from which very large supplies have been going annually in that

direction, are just exhausted. I have little doubt, however, that we can in time create a considerable market on the coast at Cannanore, Tellicherry, Mangalore, Calicut, &c., but we shall there have to compete against timber brought a shorter distance and by water carriage. Mr. Peet informed me that he had layed down Teak at Tellicherry at 11 annas the cubic foot, and that it had realized Rupees 1-8-0. It is not necessary, however, just at present to go further into the question of a market, as for several years to come, or until we have got the forests properly planned out, it is not desirable to work them beyond the requirements of the Public Works Department, and then different conditions may obtain.

23. Several roads will be required eventually, but for the present the only one necessary is one that Mr. Peet has already traced between Chedalett and Sultan's Battery, and as this will only cost Rupees 150 to 200, I have sanctioned its being made at once.

24. At Manantoddy I found Mr. Peet living with Mr. Underwood in an old Government building which has been condemned by the Public Works Department, and which appears quite unsafe. I do not know what he will do in the monsoon; his office is also in a building which has been condemned as unsafe; he is most anxious that Government should build him a small house and charge him a fair rent, and I think it most necessary that a house and office should at once be built, and I request that Government will give this their earliest consideration. In districts like this our young officers must be properly housed, or they can have no chance of keeping their health.

25. It might be a good plan to get out from England a small iron house of two rooms for the office and two similar ones for the forest instead of two of those proposed in paragraph 16; white-ants are even very destructive to brick buildings in the Wynnaad, so that iron houses would be very valuable, and probably always fetch their original cost, and besides they would have the advantage of being movable which would be a great consideration in the forest.

26. The Koroth Escheat Forests have lately been handed over to this department; they consist of a tract of heavy evergreen (*shola*) forests, covering a quantity of small hills near the ghats south of Periah, and are estimated at 50 square miles by the Tahsildar and 30 square miles by Mr. Peet; they will become a very valuable Cardamom tract if properly attended to, and I request sanction for obtaining the services of a man who understands Cardamom cultivation from Travancore or Mysore (the same to be paid from working charges). This last year 42 maunds were collected for the department by the Kurchias and Kaders at a cost of 450

Rupees, but owing to a combination amongst the Moplah merchants, Mr. Peet could not get offers of more than 25 Rupees per maund, so sales have not been effected. Cardamoms are worth about Rupees 1,000 the candy, which is 50 Rupees per maund, so I directed Mr. Peet to try the Madras and Bombay merchants before effecting sales. About 100 maunds of Myrabolans have also been collected and some Sheekay (soap bean pods or *Acacia concinna*), but these have not yet been sold.

27. Outside our Teak belt, it is very difficult to ascertain what is Government and what private land in the Wynnaad, and I trust that a survey and permanent demarcation of Government land may not be long delayed. I observed that the most painful destruction of forests has lately been effected by Moplahs on the slopes of the Bonnacore Mountain near Manantoddy. All the heavy forest of some fine ravines protecting streams of considerable size has been felled during the last year or two by Moplahs, nominally for coffee planting, but coffee is often not planted and the tract becomes a mass of rank weeds and impenetrable thorny scrub that can never be eradicated; in fact, a splendid forest is felled and burnt for nothing, and the water-supply considerably effected. The ravines of mountains like this and of the slopes of Wynnaad should be protected by legislation whether Government or private property.

#### No. 457.

Forwarded to the Board of Revenue, through the Collector of Malabar, with reference to Rule VIII published with G. O., No. 1662-A, of 19th November 1875, Revenue Department.

(Signed) R. H. BEDDOME, Lt.-Col.,  
Conservator of Forests.

OOTACAMUND, 1st April 1876.

*Note to the Conservator of Forests' letter, No. 456, dated 1st April 1876, to the Revenue Secretary to Government, submitted with reference to Rule VIII of the New Forest Rules.*

Referring to paragraphs 2 and 3, my letter to the Board of Revenue, No. 76, dated 27th March 1876, will show how the question of the disputed boundaries stands. I await the receipt of the Revenue Survey Maps before taking further steps to have the matters in dispute definitely settled. I propose, if necessary, to meet the Deputy Commissioner of Mysore with a view to the final settlement of the questions in issue.

2. Referring to paragraphs 4 to 14, I observe that Mr. Peet has been engaged for some time in the work of ascertaining what is and what is

not Government forests, with a view to the introduction of such a system as Colonel Beddome advocates.

3. With reference to paragraph 15, I entirely approve of Colonel Beddome's proposals for catching the elephants as soon as systematic forestry has been introduced; but as this is not likely to be the case for some time, immediate steps are not required. At the same time, there is no doubt that Government will shortly have to consider a question which I have brought forward before, *viz.*, setting aside tracts of forest as refuges for these useful animals, unless meanwhile some way of breeding them in confinement is discovered.

4. Referring to paragraphs 16, 17, 24 and 25, I am quite at one with Colonel Beddome as to the absolute necessity for housing Forest Officers comfortably in such malarious tracts of country as those under notice. When a house is continuously inhabited, I think a substantial wooden one with the flooring well raised off the ground is about the best for Wynnaad. Planters almost universally now adopt them. They can be made on the coast and carted to the site, and with a little ingenuity they can be made to take to pieces. One more point which I have always considered to be of vital importance to health in Wynnaad, is the provision of good deep wells dug in proper situations and as near as possible to the houses. So far as my experience goes, the men who enjoy the best health in Wynnaad are the men who either take great care about the water they drink or who never touch it.

5. Paragraph 19.—The acquisition by lease or purchase of the Pulpilly Forests is a matter of much importance for future forest operations, and I shall, if the Government approve, make overtures to that end. I question however if the Rulers will be able to sell the forest outright.

6. With reference to paragraph 20, it seems that the Pambaray Forest was for a long time, and until 1868, worked by the Forest Department. In 1868, operations were suspended because of some claim to the forests set up by the late Poodadi Nambiar. It was not apparently in consequence of any reference from this office that the operations were suspended, and Mr. Peet has been informed that I see no objection to his demarcating the tract and resuming operations. The question of the Poodadi Nambiar escheat is altogether a separate one, and will be brought to the notice of Government in due course and through the usual channel.

7. Referring to paragraph 26, there is owing to extensive Ponam clearings, very little "heavy evergreen (shola) forest" belonging to the Koroth escheat, and, if I am not mistaken, the Cardamoms collected this last year were

taken from some fine forest lying above the ghauts between Periah and Koroth.

8. Referring to paragraph 27, I quite agree with Colonel Beddome that a survey and permanent demarcation of all Government forests in Wynnaad is urgently required, and more particularly in the neighbourhood of the Bonasore Mountain. Mr. Peet could probably find occupation for a large party during the whole of next season in demarcating the boundaries of such tracts as have been definitely settled. I cannot help fancying that Colonel Beddome is mistaken in supposing that the tracts he alludes to on the Bonasore Mountain, as covered with rank weeds and impenetrable thorny scrub, were never planted with coffee, because Moplahs, of all people in the world, are least likely to spend their money in cutting down forest for no purpose, and because as a matter of fact which I have already brought to the notice of the Board of Revenue large areas of land assessed as coffee are annually thrown up in Wynnaad both by natives and Europeans. Colonel Beddome's last proposal in this paragraph should doubtless be considered while the new forest law is under discussion: it is one of immense importance in this district where wasteful Ponam cultivation is so largely practised.

(Signed) W. LOGAN,  
Collector.

CALICUT, 21st April 1876.

Forwarded to the Secretary to Government, Revenue Department, through the Board of Revenue.

Colonel Beddome's Inspection Report on the Wynnaad Forests will be submitted for the orders of Government.

2. Of the two boundary disputes with Mysore, referred to in paragraphs 2 and 3 of the Conservator's letter, the

\* G. O., dated 21st March 1876, No. 398. former has been referred to the Collector\* of Malabar who, it is observed, proposes, if necessary, to arrange for a meeting between the Deputy Commissioner of Mysore and himself on the subject. This course was approved in Board's Proceedings, dated 26th April 1876, No. 1,108, and further report may be awaited. The latter dispute, as to whether the boundary accepted by Government in the orders quoted has been properly marked in accordance with the decision, can be investigated at the same time.

3. The Teak forests of Wynnaad are said by Colonel Beddome to be among the finest Teak forests belonging to the Madras Government, and he urges the desirability of improving and preserving them to the utmost; he thinks

money expended in this direction will be better laid out than on plantations whether on the hills or plains. As a preliminary he considers block surveys absolutely necessary, and the Collector states that Mr. Peet is actually engaged in enquiring into the different rights in these forests with a view to more strict conservancy. Colonel Beddome suggests that Mr. Peet may be directed to commence operations by surveying and dividing into blocks so soon as the boundary is settled. The Board approve this suggestion; the details may be left to the Conservator who should himself issue the necessary instructions to Mr. Peet.

4. In paragraph 15, Colonel Beddome suggests that steps should be taken to catch the elephants which now haunt the Wynnaad Forests in large numbers, and the Collector approves the proposal. Colonel Beddome observes that the majority of those lately captured have died, and it seems to the Board that some enquiry as to the cause of the extensive mortality amongst these animals should be made before further captures are attempted.

5. The Board fully support the Conservator and Collector in recommending the provision of substantial houses and good wells for the use of Forest Officers. As there seems to be a doubt whether wooden houses or substantial masouri buildings are best, it would be well to try one of each kind. The requisite plans and estimate should be prepared and submitted.

6. As regards the forest attached to the Pulpilly Temple, the Collector should, the Board think, be empowered, as he suggests, to make overtures for its purchase or lease. His action in regard to the Pambaray Forest is approved, and his report on the matter of the escheat awaited.

7. The Board support Colonel Beddome's recommendation in regard to the provision of a house and office for the Deputy Conservator. They have no information as to cost, &c., of iron houses, and cannot therefore offer any opinion as to their suitability; but they are convinced that the provision of good healthy residences for Forest Officers will prove to be economical as well as humane.

8. Further enquiry seems necessary before entering on Cardamom cultivation, but, if it is found that they can be produced profitably in the Government Forests, a skilled man should be procured from Travancore or Coorg.

9. The Board concur in the Collector's remarks in paragraph 27 of Colonel Beddome's letter.

(True Copies and Extract.)

(Signed) C. A. GALTON,  
Acting Secretary.

Order thereon, 26th June 1876, No. 857.

The Government observe that the boundary dispute referred to in paragraph 2 of the Conservator's letter is under reference to the Collector of Malabar, who has reported that he awaits the receipt of maps of the locality from the Survey Department.

2. In paragraph 3 Lieutenant-Colonel Beddome reports the existence of another dispute on the boundary line between Wynnaad and Mysore. His remarks will be communicated to the Chief Commissioner of Mysore; and Mr. Logan will be directed to investigate this dispute also in conjunction with the Deputy Commissioner whom he is to meet shortly.

3. The proposals in regard to the survey and division into blocks of the valuable Teak forests of Wynnaad are approved.

4. Paragraph 4 of the Board's Proceedings  
*Vide G.O., 17th May 1876, No. 951.*  
will be referred to the Judicial Department, where the cause of the mortality among newly-captured elephants is under investigation.

5. Plans and estimates for the buildings referred to in paragraph 5 will be called for in the Public Works Department. They should be prepared in communication with the Collector and the Conservator. The proposal regarding iron houses will be considered in the Public Works Department. The Government admit the desirability of providing proper house-accommodation to their officers in Wynnaad.

6. The Collector is authorised to negotiate for the lease or purchase of the forests attached to the Pulpilly Temple.

7. The Government await further report on the subject of Cardamom cultivation.

8. With reference to the points adverted to in paragraph 27 of the Conservator's letter, the Government observe that the survey and demarcation of all Government forests in Wynnaad should certainly be proceeded with, as soon as the survey of the Nilgiris is completed. The necessity of providing by Legislation against the destruction of forests in ravines protecting streams will be considered in connection with the new Forest Bill.

(True Extract.)

(Signed) D. F. CARMICHAEL,  
Secretary to Government.

# THE REVENUE REGISTER.

No. 10.]

MADRAS :—MONDAY, OCTOBER 16, 1876.

[VOL. X.

## ADMINISTRATION OF INDORE.

WE lately reviewed the Administration of Travancore: we now propose to say a few words on the subject of a modest little pamphlet recently received by us, entitled the Report on the Administration of Indore for the year 1875-76. Indore is situated far away in Central India, to the north-west of the Vindhya mountains, and but little out of the course of the Great Indian Peninsular Railway, which stretches its magnificent length of 1,278 miles from Bombay to Allahabad, where it touches the East India Railway still longer than itself. Indore is hardly so well known to Southern India as Travancore. It is familiar, however, to the student of Indian History as the capital of the territory of the Maharajah Holkar; and yet, there is a closer interest for us in this far off region than mere historic recollections of the past; for it has a present living interest in the fact that it was recently administered by a Madras man of mark, and is now being administered by another Madras man who is making his mark. The present Maharajah, differing in character from his warlike predecessors, has, it is said, a strong commercial turn of mind; but his love of mere filthy lucre is not so strong as to render him blind to the advantages of a vigorous administration of

his State. He translated Sir Madhava Rao from Travancore; and when that distinguished native statesman's services were peremptorily demanded to set the troubled affairs of Baroda in order, he called to his aid Madhava Rao's first cousin, our well known townsman Ragoonath Rao, who has already earned the appreciation of a far better judge of men than his employer Holkar —no less an authority than Sir Henry Daly, Agent to the Governor-General in Central India. Ragoonath Rao is the son of a former Dewan of Travancore, and until his translation to Indore, was Deputy Collector of Madras. His abilities are of a rare order; but what we admire in him is that he is a straightforward plain spoken honest-hearted man, whose tongue cannot tell a lie. He is a Mahratta by birth; but he is every inch an Englishman in his love of all that is manly and good, and his hatred of all that is mean and bad.

But let us pass to the pamphlet that is lying before us. It is a report addressed by M. R. R. Ragoonath Rao to His Highness the Maharajah Holkar, and sets out with the fact that in the year under review, the late Viceroy, Lord Northbrook, visited Indore and expressed himself favorably on the condition of the country and people, and that the capital was also visited by His Royal Highness the Prince of Wales, who

[October 16, 1876.]

was pleased with his reception and all that he had the opportunity of seeing. Ragoo-nath Rao also records the fact that the Maharajah was present at the Chapter of the Star of India held by the Prince of Wales at Calcutta; and we may add the interesting fact that the adopted son of Holkar's prime minister, a clever promising little boy whose familiar name is *Déverath*, or the gift of God, was the Maharajah's page at that brilliant pageant and had the honor of holding the gorgeous train of His Highness. The State Railway to connect Indore with the Great Indian Peninsular is in progress, but there is a gap of 20 miles between Indore and Choral. The Secretary of State has just sanctioned His Highness' proposal that the British Mint should on certain conditions coin the Indore Rupee, the equivalent of our rupee, a measure which will remove inconvenience in trade and facilitate inter-communication between the territories of Holkar and the British possessions. To improve Postal communication also between these territories, an arrangement has been made with the British Post Office to receive and distribute letters addressed to places within the Maharajah's kingdom, and to hand over to the British Post Office letters proceeding out of the kingdom. The tax hitherto levied on pilgrims proceeding to the Pagoda of Onkar and the tax on timber floating up or down the Nerbudda river have been abolished; but in order to discourage drunkenness and to enable the drinking public to obtain liquor free from deleterious ingredients, the monopoly of the whole Abkari has been made over to a single contractor. There has been good work in the Legislative Department: we gather that there has been no blind copying of our Civil and Criminal Codes; but, in the language of the Prime Minister, rules for the administration of justice have been

drawn up on the forensic and ethical Codes of many civilized nations; and in this larger scheme, the welfare of the rural community has not been forgotten, for regulations for the improvement of village administration have been considered in detail in His Highness' Durbar. For the administration of justice there are six grades of Civil Courts in Holkar's dominions, viz., one Court of the highest grade, or the Sudr Court; four of the 2nd grade, or the Zillah Courts of Indore, Nemád, Rampura, and Nimawar; five of the 3rd grade, or the two Adawluts in the city of Indore, and the Subha Courts of Indore, Nemád and Rampura; twenty-two of the 4th grade, located at different stations, and authorized to try original suits from Rupees 200 to Rupees 1,000; twenty-nine of the 5th grade, authorised to try suits from Rupees 20 to Rupees 200; and three of the 6th grade, authorized to try suits from one Rupee to 20 Rupees in value. It will be interesting to learn something of the constitution of the three Superior Courts. The Sudr Court does not exercise original jurisdiction, except in cases transferred to its file by order of the Durbar. Its regular powers are to hear appeals from decisions of the Courts of the 2nd grade in original suits, and special appeals from their decisions in appeals from the Lower Courts. The Sudr Court also exercises general supervision over all the Subordinate Courts of whatever grade, and disposes of all references made by them on points of difficulty or doubt. All its former functions of assisting the Durbar in organizing Courts, framing rules of procedure, and disposing of ministerial and miscellaneous business, are now however undertaken and discharged by the Prime Minister himself. The Zillah Courts are authorized to try original suits in which the value litigated exceeds 2,000 Rupees, and to hear all appeals from the Lower Courts. The two Adaw-

suits in the city of Indore are Courts of co-ordinate jurisdiction empowered to hear all original suits arising in the city in which the amount in dispute does not exceed 2,000 Rupees, but they have no appellate powers. It is explained that the trade and money dealing of the city of Indore are so extensive as to give rise to a large amount of litigation, which keeps the two Adawluts and the Zillah Court in full occupation; the number of suits disposed of by them being more than one thousand per annum. The Subhas try suits within their respective Zillahs in which the amount in dispute exceeds Rupees 1,000 but does not exceed Rupees 2,000, and they possess in addition the power of hearing appeals from the Courts of the last or 6th grade. These Subhas are however the principal Revenue Officers of their respective Zillahs, viz., Indore, Nemád, and Rampura as abovementioned; and as their revenue work is of primary importance to them, they have not much time for judicial work, their share of which the Prime Minister reports is happily not very great. The periods of limitation recognized for suits are 30 years for immoveable property, and 12 years for moveable property; but M. R. R. Ragoonath Rao very properly proposes to reduce the limitation in the case of suits founded on mere verbal understandings to two years, or even one year. To the honor of Holkar be it said that the State pays two Vakils to conduct suits on behalf of paupers: they are attached to the Sudr Court, but attend to the interests of paupers in all the Courts in the city of Indore. The Durbar appears to do a good deal of work in the matter of judicial arbitration to save parties the expense of law suits. On this point we shall quote Mr. Ragoonath Rao's words. "The extensive opium speculations and time bargains in the city of Indore are always the subject of animated controversy

between the 'Bulls' and the 'Bears,' or as they are here styled *Potáválás* and *Máthaválás*. But all disputes arising therefrom are decided by the Punchs. If a party fails to perform his contract, the matter is referred to the Punchs, and both parties generally abide by their decision. The Durbar also lends its aid and influence, if required, for the amicable settlement of disputes arising out of these time bargains, whereby parties are saved from bringing their disputes into Courts of law." All claims of Ejárdárs, Tipdárs, &c., against cultivators or ryots are, we learn, decided by the Revenue Officers, in order to save the parties the cost of litigation in the Civil Courts. "The law and procedure," concludes the Dewan on this part of his report, "now in force in this State are generally based on the law and procedure obtaining in the British territories; but we have avoided all their technicalities, and modified those parts which are considered by the people here as severe."

For the administration of criminal justice, there are likewise six grades of Courts; viz., the Sudr, the Zillah or Sessions' Courts, and Magistrates' Courts of four classes. First Class Magistrates are authorized to award imprisonment not exceeding one year, fine not exceeding 500 Rupees, and whipping not exceeding 15 lashes; and they hear appeals from sentences passed by Third Class Magistrates. Second Class Magistrates have similar powers up to a maximum of three months' imprisonment, 100 Rupees in fine, and 10 lashes in whipping; and they hear appeals from the sentences of Fourth Class Magistrates. Third Class Magistrates may imprison up to one month, fine up to 25 Rupees, and whip up to 6 lashes; and Fourth Class Magistrates can only fine up to 10 Rupees. But all this whipping cannot be carried out without the sanction of the Zillah or Session Judges, except in the case of the 'city

Magistrate of Indore who, of his own power, may now give a thief or other criminal 30 lashes, as he has numerous cases of petty theft and other crimes to deal with. The traffic at Barwai having greatly increased in consequence of the opening of the State Railway, and the fluctuating population gathered there requiring speedy justice, the Ameen of Barwai also has obtained power to whip without reference to his Zillah Court, that of Nemad. It is not necessary to describe the powers of the superior criminal Courts; but we may mention on this point, that no sentence involving imprisonment beyond ten years can be carried into execution without the sanction of the Durbar, and that no capital punishment can be carried out without the final sanction of the Maharajah himself. It will thus be seen that there is a complete and satisfactory machinery for the administration of justice, and that the intervention of the Ministry and the Crown secures the best guarantees to the people against any miscarriage in the award of punishment.

Before we pass to any notice of the administration of Indore in its other Departments, we shall briefly mention the Revenue results we gather from the report. The gross State demand was Rupees 53,72,000, of which Rupees 49,02,000 were ultimately collected, leaving a balance of Rupees 3,80,000 unrealized, plus a sum of 90,000 Rupees ordered by His Highness to be remitted. Of the principal sources of Revenue, Land yielded Rupees 30,95,000; Customs Rupees 5,26,000; Interest Rupees 3,74,000; Tributes Rupees 1,49,000; Abkari Rupees 1,17,000; and the State Cotton Mill Rupees 79,000. The rest was made up from Stamps, Fines, Post Office, Mint, and Miscellaneous. The expenditure of the year under review amounted to Rupees 40,51,000. Of this we may notice the largest items. The Palace spent Rupees 8,52,000; the Civil Establishments cost

Rupees 6,98,000 plus Rupees 59,000 for the Courts; the Army and Police cost Rupees 8,24,000 and Rupees 5,36,000 respectively; the outlay on Public Works amounted to Rupees 3,67,000; and the instalment to "Capitalization of Contingent" was Rupees 2,38,000. No explanation of this last item is given in the report; but we learn from the report of the Political Agent for the previous year, that this "capitalization of contingent" means that His Highness Holkar was called upon by the British Government to make instalments of Rupees 2,38,000 a year towards the capitalization of his contribution to the Malwa Bheel corps. The Maharajah's contribution was assessed at Rupees 23,81,520; and we gather that the above-mentioned instalment of Rupees 2,38,000 paid in the year under review completes Holkar's contribution to the Malwa Bheel corps. We may also mention that we learn from the same source that Holkar paid in 1874-75 Rupees 11,00,000, being his sixteenth instalment of one million on account of his State Railway loan. We may safely conclude from these facts that the financial condition of Holkar's kingdom is highly prosperous. The land revenue system of the State is said to be *fieldwar*. All cultivable and grass lands (known as *Beed*) are assessed, and by that means the gross revenue of a village is at once ascertained. The *Jumma* is leased to any person who is willing to undertake the collections for 87½ per cent of the gross. The renter is allowed, in addition, to enjoy the benefit arising from the extra cultivation of lands recovered from immemorial waste, and from the cultivation of wet produce on dry lands. Such immense advantages induce enterprising capitalists to come forward to rent the *Jummars*; and the State therefore would appear to experience no difficulty in getting in its land revenue. On the other hand, no ryot is compelled to hold land which he does not choose to retain; nor is he ousted

from his holding so long as he pays the fixed assessment and keeps to the terms of his puttah. Great and marked progress has been made in public works by the present Chief Engineer, Mr. Carey, an English gentleman, under whom Sir H. Daly remarked in the previous year, "the result is that metalled roads, bridges, and sound drainage are driving out filth, open cess-pools, and disease." In the year under review, the Dhar road was thoroughly consolidated and opened for traffic; several compartments of a new Jail were made ready for occupation, capable of accommodating about 400 men; an iron Durbar Hall was set up just outside the city of Indore, which was ordered especially for the reception of the Prince of Wales, and was entirely cast at Bombay by the well known firm of Nicol and Co.; the *Baradwári* at the Lal Baugh was completely re-modelled so as to have a grand staircase the whole breadth of the building, and a painted and pillared hall capable of holding 300 people, in substitution of the petty rooms into which the lower part of the building was previously cut up; the new market of 36 stalls commenced the previous year was completed; and a new girder bridge was put up over the Peliakal nulla near some large temples on the Deypalpore road, besides other minor works of improvement. The recently established Forest Department is supplying wood for the construction of the Railway, and is worked also under the superintendence of Mr. Carey, assisted by two native Engineers, subjects of the Maharajah, who appear to have graduated in Engineering in the University of Bombay. The forests of Indore are in two belts; one bordering on the Satpoora, and the other on the Vindhya range of mountains. The Cotton Mill was pronounced by Sir H. Daly in 1874-75 to be a prosperous institution. It is worked by Englishmen under the superintendence of Mr. Broome. In the

year under review, the Mill turned out more than 70,000 pieces of cloth, which with the balance of the previous year created a stock of more than 95,000 pieces of cloth, of which more than 81,000 pieces (including *Dhoties*, which perhaps answer to what are known as *Dovaties*, in this part of the country) were sold during the year. Mr. Broome reports that the demand for his cloth is steadily and rapidly increasing; that the more it gets known, the more popular it becomes; and that he has no hesitation in saying that, without exception, it is the best and most durable cloth made in India, having entirely superseded Bombay made cloth wherever it has gone. Sanitation, Vaccination, Dispensaries, and the Medical condition of the Jails are subjects which are touched upon in the Prime Minister's report; but we must not weary our readers with minute details. In connection, however, with Jails and Hospitals, we may mention a few interesting facts gathered from the Political Agent's Report for 1874-75. The Central Jail at Indore is said to be admirably managed under the supervision of Dr. Beaumont. The system in force maintains discipline without harshness; every inmate being put to such work only as he is fit for according to his physique and calling. It appears that four or five years ago it was a sickening sight to see men of education, under suspicion and charges of misappropriation of State money, manacled in the Indore Jail with weighty irons and linked for the night to murderers and dacoits; women were imprisoned under almost any pretext, and released bereft of character; and the visit of the British Resident was resented. But the Maharajah, acting on the advice of Sir Madhava Rao, has radically reformed these evils: the Jail has been enlarged and ventilated; the prisoners are fairly treated; the untried are separated from the convicted; and there is no desire to keep the Jail a

secret, it being as free to the inspection of visitors as jails in British territory. To the late celebrated Secunder Begum of Bhopal, however, is attributed the honor of introducing Jail management in Central India, which did not shun inspection. In respect to Hospitals, the following was reported of the Indore Charitable Hospital. It is the largest in Central India. In it were treated 9,409 out and 1,029 in-patients, many of the cases being serious forms of disease, or injury calling for surgical operation, including cataracts in the eye requiring extraction for the relief of the patient. Until this hospital became established in public estimation, Dr. Beaumont believed that many persons afflicted with curable disease must have died, and many must have dragged out a miserable existence of pain and suffering, or life long blindness. A leper hospital was built in connection with this charitable hospital ; and several patients were successfully treated by Dr. Beaumont with a combination of arsenic, iodine, and iodide of potassium, in the absence of gurjun oil. Dr. Beaumont gives a short but interesting sketch of leprosy which we shall quote in his own words. "Leprosy has been known from the most remote ages, and although it has now almost disappeared from the more civilized parts of the world, it is still one of the most widely spread maladies which afflict the human race. Leprosy was known in Italy about the Christian era, after which it increased and spread so extensively, that from the eighth till the twelfth century it was very prevalent throughout Europe generally, the British Islands not escaping. After this period, it gradually declined till in the fifteenth century it had become very rare, and it has now altogether disappeared from Europe, with the exception of Norway, where in certain localities it is still of frequent occurrence. Judging from the number of leper hospitals which were in

Europe and the numerous laws regulating the conduct of lepers, the disease must have been quite as prevalent there in the twelfth and thirteenth centuries as it is in India. It seems to have attracted much public attention. In all States there were many laws and regulations about lepers, securing to them certain immunities and privileges, for the sake of which, long after the disappearance of the malady, there were many persons glad to call themselves lepers. The Knights of St. Lazarus were devoted to the cure of leprosy ; many suffered from it ; and their Grand Master was usually a leper. The disappearance of leprosy from Europe is usually attributed to improved hygiene and improved conditions of life generally—agencies which have not yet begun to operate on the mass of the people in India, where there is no evidence that the disease is at all declining. Probably 1 per 1,000 of the people are afflicted with it, which gives a total 150,000 to 200,000 lepers." This is rather a startling revelation of the extent to which this terrible malady prevails in India; but we cannot follow the Doctor in his interesting account of the origin and character of this disease.

To return to the man, whose report of his administration of Indore for the year 1875-76 we have just reviewed, and to bear out what we have said of his character at the beginning of this paper, we would, for the gratification of his personal friends and the advocates in general of native advancement, conclude our remarks by quoting the brief but pregnant tribute paid by Sir H. Daly to Holkar's present Prime Minister in the following words :—"Sir Madhava Rao, whose services were sought by the Government of India for Baroda, has been replaced by a relation of his own, Ragoonath Rao, formerly Deputy Collector of Madras, a practical and earnest man bent on leaving his mark at Indore."

## CORRESPONDENCE.

## LONDON LIFE.

[FROM OUR SPECIAL CORRESPONDENT.]

SIR,

My last letter had scarcely left these shores when the world was astonished by the unforeseen announcement that the great Mr. Disraeli had quitted the arena in which he had fought and conquered for so many years and was about to transfer his eloquence, his sarcasm and marvellous debating powers to the Upper House. Some years back Her Majesty was pleased to offer him a Peerage which he astutely declined, knowing that his party could not afford to lose his valuable aid in the House of Commons, but his refusal derived a peculiar grace from his humble request to the Sovereign that she would be pleased to confer the proposed honour on the lady who had shared his affections, his triumphs and his defeats for so many years with such unutterable faith and affection. The Countess of Beaconsfield is no more, the Conservative party has attained a position which its most sanguine supporters dared not hope for even ten years back, and Mr. Disraeli recognising the two facts that he has rejuvenated his followers and grown a little old himself, seeks a well-earned repose in the Chamber of our hereditary legislators. If ever a man existed who was entitled to look back upon his career with feelings of unmitigated satisfaction, surely that man is the present Earl of Beaconsfield. He presents a marvellous instance of the unerring success which attends the career of a clever man with unbounded faith in himself. Mr. Disraeli, like other statesmen, has had his share of ups and downs; he has made mistakes, he has made enemies, he has struggled against heavy odds for many years, but when his party prospects were at the lowest ebb his motto was always the same, "never say die." However overwhelming his temporary defeats, he always, in the language of the Prize-Ring, "came up smiling." Throughout his political life he always looked forward to arriving at the top of the tree; and from the day, some forty years back, when he vowed that the House of Commons should listen to him in the future, up to the night last month, when he concluded his Parliamentary Career in the Lower House with one of the most eloquent and impassioned addresses that ever fell from his lips, he never shrank from the unequal contest which he had to maintain. For many years, it may be said that Mr. Disraeli fought the battle of the Tories single-handed, and few statesmen of this or any other age could have so equably and so skilfully contested such a one-sided and uphill game. It is idle to deny that his absence

from the Lower House must materially affect the strength of the Conservative forces; but it will be a treat to hear him demolish the feeble platitudes of Earl Granville and possibly break a lance with the eccentric old Earl from Pembroke Lodge. Now that Agamemnon has retired, the world says that Achilles (W. E. G.) who has been sulking so long, will return to the fray.

On the whole the past Session of Parliament may be pronounced to have been quiet and unsensational. Very little work was done, and this fault is by some ascribed to the factiousness of the opposition, by others to the incapacity of the existing administration. I have not time or space to indulge in political disquisitions, so your readers may take their choice according to their political bias. The fact, however, remains that very little progress in legislature was effected, although the members of the House of Commons sat up to abnormal hours both by day and night. Much time was wasted in the Debates on the Royal Titles Bill. The agitation against the assumption of the title of Empress was simply childish. But it is surprising how the *mob* is gulled by a specious cry emanating from such shallow-pated firebrands as Sir Charles Dilke, and Odger and others of that kidney; and then unfortunately the more respectable radicals, like Gladstone and Granville, have not the courage to tell the tail of their party that they must obey the head. How the liberty of the people could possibly be endangered by the change of title from Queen to Empress it would puzzle a dozen sphinxes to explain, but still this was the popular delusion. Why! Her Majesty might have called herself, the Great Mogul, or the Queen of the Cannibal Islands, or the Grand Llama, or all three combined, and it would not have affected her subjects more than if one of her ladies-in-waiting had sneezed, but the "great heart of the people" is a very curious piece of mechanism, and well organised agitation of any kind generally has a temporary success, because it is a truism that the world contains ten times as many fools as wise men. The Burials Bill again gave rise to animated discussion, but Mr. Osborne Morgan was as usual defeated: it is too much to hope that he will accept the *snub*; the non-conformists are very irrepressible, and their attacks on the Established Church become more venomous every session. No doubt they will succeed in the end, because *gutta curat lapidem non vi sed sape cadendo*; but they will yet have to fight for some years. The most animated debates have arisen on Lord Sandon's Education-Bill; a chronic difficulty crops up owing to the necessity of considering not so much the interests of the children as the jealousies and scruples of rival religious sects. The Government had no easy task to carry their views on the subject, but of course they derived some assistance from the

dissensions which split up the liberal party. Although the opposition were united in their desire to defeat Lord Sandon's intentions, success was beyond their grasp, because they all wanted to march to victory by a different road. *L'union fait la force*, and a house divided against itself cannot stand, so the Liberals and Radicals failed to defeat the Government measure, although they succeeded in wasting scores of valuable hours which might have been profitably employed in the acceleration of the public business. The chief rebuff experienced by the Ministry was the compulsory withdrawal of Mr. Cross' Prisons' Bill. Under its provisions both the cost and control of prisons were to be transferred from the local authorities to the Secretary of State, with power, subject to certain exceptions, to close all unnecessary prisons. Although relief would thus have been afforded to the rate-payers, many County Magistrates and Town Councils objected to the cessation of local supervision. Vestrydom was in arms; "Bumble" was loath to part with his little brief authority. The Bill was read a second time by a considerable majority, but certain daily papers persistently condemned its scope and aim, and when the "massacre of the Innocents" took place the first and most conspicuous victim was the Prisons'-Bill. I never dispute that "Discretion is the better part of valour," but in this instance I think the Cabinet might have advantageously acted with a little more firmness and independence. Mr. Trevelyan brought forward his long threatened proposal for the extension of Household Suffrage to Counties, but he was ignominiously defeated, and it is perfectly evident that the country is not ripe for such a radical change and that any move in that direction must be preceded by a re-distribution of seats. Mr. Plimsoll passed a Merchant-Shipping Bill for the protection of Sailors and the regular supervision of unseaworthy craft, and those members who took an active part in the prolonged debates appeared to be satisfied with the bill in its final shape, so it may be hoped that one "burning question" has been extinguished and that no more legislation thereon will be required for some years to come.

The one all-absorbing topic at the present moment in all classes of society is what the public and the Press vaguely denominate the "Bulgarian atrocities." If the Prussians were to devastate Great Britain, murder our husbands and fathers and ravish our wives and daughters we should hardly term these outrages "English" atrocities, but as the Turks have been massacring Bulgarians, it seems that the English newspapers choose to call their violent deeds "Bulgarian" atrocities. Perhaps there is more truth in the term than is generally supposed for undoubtedly the cruelties practised in Asia Minor have not been confined to one side. It is confessedly impossible for warfare to be

carried on by any nation in any country without the repeated occurrence of manifold horrors. When the Servian insurrection broke out, the *Daily News*, a journal of the greatest enterprise and respectability, lost no time in dispatching a "Special correspondent" to the scene of hostilities. The gentleman to whom the mission was entrusted was a most talented American writer but, like many of his countrymen, deficient neither in imagination nor well rounded periods. His letters were replete with such ghastly details and gave such circumstantial stories of women and children ravished, roasted and flayed alive, that interpellations were made in the House of Commons, and the Prime Minister was asked whether he approved of these "Turkish amusements." Mr. Disraeli very sensibly declined to heed the anonymous assertions of a "Yankee Special," and replied that no official information had reached the Foreign Office. The Radical party, whose natural instincts of course convinced them that the "insurgents" must be in the right and the Turks as the representatives of constituted authority in the wrong, returned to the charge and the ministry granted that many outrages had been committed by the irregular troops of the Porte which the authorities at Stamboul had been powerless to prevent, but Mr. Disraeli stated that representations had been made to the Sultan's advisers by the United Great Powers, and that the injuries complained of would be enquired into and, as far as possible, redressed. He added significantly that if the opposition objected to the conduct of the Foreign Office in the matter, he was quite ready to meet any vote of censure that might be proposed. Lord Hartington, Mr. Gladstone, Mr. Bright, Mr. Forster and all their following were dumb. Then Parliament rose, ill-tempered members proceeded to harass salmon and grouse instead of one another, the Premier rang for his tailor to order his "robes," the gigantic gooseberries again found a place in the columns of our leading contemporaries and the world was wagging sluggishly, as is usual in the middle of August, when the *Daily News* opportunely received a fresh batch of Horrors from Bulgaria, and the *Times*, finding news very scarce, followed suit. Then flaming leaders appeared, and day after day it was mathematically proved that unless Lord Derby and Mr. Disraeli had been ruling in Downing Street not a single Christian in the Herzegovina would have lost his life; had Lord Granville been in power the Turks would have remonstrated with their rebellious vassals with white kid-gloves and rosewater, in lieu of steel and gunpowder.

Public meetings throughout the land were summoned to denounce the Mussulmans and a brutal Tory-Government; the dispatch of our Fleet to Besika Bay for the protection of the Christian subjects of the Porte was declared to

be a movement in favour of the Turks instead of against them ; and, finally, that irresponsible and imprudent pamphleteer, the Right Honorable W. E. Gladstone, issued sixty pages of printed matter in which he emptied the vials of his wrath on the Turk, the Tory and everything that is theirs. Such distinctly unscrupulous party-tactics have seldom been resorted to, and though it is not probable that the present administration will be ousted thereby, it is tolerably certain that grave complications will arise in consequence of such fearfully rash agitation, and if England succeeds in keeping clear of war she will not have to thank the Liberal Party. It would be matter of surprise that the public should be led astray so blindly and so foolishly did we not bear in mind that the "many headed" in this country are singularly susceptible when their pockets are concerned. Nearly twelve months ago Turkey declared herself bankrupt and thousands of Englishmen found themselves either ruined or with seriously diminished incomes. No means of retaliation could be devised at the time, but now, thanks to the eloquent and unscrupulous correspondent of the *Daily News* and the unbridled goose quill of the Right Honorable Member for Greenwich, the British Public have found an outlet for their pent-up wrath. Does any one suppose that Bulgarians would be above par and Turks below zero if the latter were still paying fifteen per cent interest on their debt ? I trow not ! The Dog received the bad name (and most deservedly) last October and now every one is eager to hang him. Every Englishman who ever held a Turkish bond, or even had an acquaintance who owned those delusive securities, seizes with avidity the opportunity of slandering the Government that has cheated him, perhaps that is natural, but it is rather hard that Her Majesty's personal advisers should be deemed responsible for the misbehaviour of fanatical Bashi-Bazouks and effete local Pashas. The cry of the malcontents here is that we ought to have prevented Turkish cruelty and violence, but they fail to say why our interference was more necessary than that of Russia, Prussia, France, or Austria. They say that the Turkish excesses are unparalleled in the history of the world, but have they forgotten the horrors of the Inquisition, the quarrels of the Guelphs and Ghibellines, the cruelties of Cromwell in Ireland, our own merciless behaviour in India in 1858 when we had to repress a formidable insurrection ; and, last not least, have they not read what Napier says when writing of Wellington's soldiers at Badajoz that "not one woman or child was spared," and have they not heard of the relentless cruelty practised towards the Poles by the Russians in 1863 ? No one wishes to dispute the fact that very disgraceful scenes have been enacted in Bulgaria by a wild and undisciplined soldiery, but when a

statesman like the late Prime Minister demands in loud and excited tones that the Turk shall be driven out of Europe, he should be admonished to look at home. People who live in glass-houses cannot afford to throw such very big stones. The writers in the *Daily News* and others betray a lamentable ignorance of the political situation. It is patent to the meanest intellect that the unfortunate Servians have no interest in the cause for which they are, so to speak, driven to fight. The rebellion has been entirely instigated and fomented by Russian diplomacy and Russian gold. Prince Milan and his subjects would have submitted long ago had they not been afraid to thwart their ally and nominal protector Prince Gortschakoff. It is the old story of King Log and King Stork. The Servians have left the Sultan for the Czar and have fallen out of the frying-pan into the fire. The Russian design is to sap the foundations of the Turkish Empire, not openly but gradually and secretly, and every Liberal leader and every Liberal newspaper in this country is, let us hope unconsciously, aiding and abetting that design. If the Turk is to all intents and purposes expelled from Europe and the fortresses, such as Belgrado and Widdin, fall into Russian hands, Constantinople will be at the mercy of the Northern Bear. When too late, we shall find how misplaced all this cheap and sensational philanthropy is. We drifted into the Crimean War entirely because the Emperor Nicholas believed from the tone of the Radical Press that nothing would induce us to draw the sword, and the miserable *fiasco* of 1854-55 will no doubt be repeated, unless our Government is strong enough to stem the wild irresponsible tide of mistaken public-opinion which has set in during the last three weeks.

On May 31st a new Sultan was proclaimed at Constantinople, and although great hopes were entertained of his talents and political sagacity, he proved to be as incapable and imbecile as his predecessor. On the last day of August he, in his turn, was deposed and now number-three is on the throne ; it is to be hoped that he will turn out a better article for the sake of his countrymen in general and the unlucky bond-holders in particular. His army in Servia has been fighting with both steadiness and enthusiasm, and unless Russia openly interposes (a contingency which is unhappily only too probable) the Turks will re-establish their authority over the insurgent Province, for, in spite of the manifold conflicting letters and telegrams which arrive from the seat of war, there is no reasonable doubt that the Sultan's troops have been victorious. "The Eastern Question," however, is as far from a solution as ever, and it is impossible to predict how the Gordian knot will be untied or cut as long as Russian ambition works in the same groove as at present. With the exception possibly of

Prince Bismarck, there is no statesman in Europe capable of coping with the wily machinations of Gortschakoff, Ignatieff and Schouvaloff. The latter diplomatist has got the *Times* Newspaper entirely under his thumb, and that alone will tell you what a powerful mind and persuasive tongue he must be endowed with. The two journals that have conspicuously preserved an independent and patriotic line of action are the *Morning Post* and the *Daily Telegraph*. The latter has even thrown over the Right Honorable W. E. Gladstone who was for so many years the object of its hero-worship.

We are promised a little excitement in the shape of a contested election which will be a novelty; for since Mr. Gladstone threw up the sponge the Conservatives have had it pretty much their own way. The elevation of the Premier to the Peerage has caused a vacancy in the representation of the County of Bucks. It was at first thought, partly out of respect to the retiring member and partly owing to the Conservative proclivities of the constituency, that the Tory candidate (Mr. Freemantle) would be allowed to walk over, but the Honorable Rupert Carington, with a chivalrous temerity worthy of his name, rushed into the breach and in a fiery address announced that he was ready to do battle for the Great-Liberal-Party. Both he and his opponent Mr. Freemantle have been assiduously stamping the county, and in this dull season their respective utterances have been liberally chronicled. After reading Mr. Freemantle's views, the ignorant politician imagines that we are living under a heaven-born administration and wonders how any individual or any interest in the United Kingdom can find aught to grumble about, but when he turns to the withering sarcasms and forcible denunciations of Mr. Carington he is still more amazed that the earth does not open and swallow up such monsters of iniquity as Her Majesty's Ministers. Of course there can be no doubt of the result of the ballot, unless the Conservatives are too confident and consequently dilatory in voting. It would indeed be singular if a county which has unfailingly returned a "blue" Member for more than thirty years should turn round so suddenly and stultify all their past convictions by electing the Liberal candidate.

The case of Mr. Fuller at Agra, which I fancy has created some commotion in India, has not passed unnoticed in England. The Press is almost unanimous in deprecating the arbitrary course pursued by the Governor-General. The sentence passed by the Magistrate might or might not have been inadequate; but it seems little short of monstrous that Lord Lytton should issue the sweeping Minute of condemnation which emanated from his pen. What should we say in this country if the Sovereign or even her Ministers were thus to review the

decisions of legal tribunals in England, Ireland, or Scotland? Lord Beaconsfield was specially happy in his selection of the late Earl Mayo to fill the vice-regal chair; let us hope that the present occupant of that important post may not prove a less successful administrator. Some prejudiced writers twit him with having been a popular novelist, a respectable (Sic., *Sarcasticé*) poet, and a safe European-diplomatist, and hence, illogically enough, deduce that he is totally unfit to govern India. I would humbly submit that the Right Honorable Earl at the head of the Government is likely to be a more intelligent appraiser of Lord Lytton's abilities and acquirements than the "man in the street," and that it is premature to affirm, as some journals have begun to do, that Lord Dalling's nephew is simply a "round man in a square hole;" still, we cannot help thinking here in England that he has made a little mistake. Of course the Exeter-Hall party, who hold that a man cannot do wrong provided he be not white, praise his action unreservedly.

The late Summer and Autumn have not passed without the usual fertile crop of Railway and other accidents. Many lives have been sacrificed to the Bank Holiday and Excursion Trains, and Coroners' juries, as heretofore, continue to return such vague and unsatisfactory verdicts that no one is ever held responsible for the disasters, and Directors continue to sacrifice all considerations for the sake of the shareholders and a satisfactory dividend and, oddly enough, the shareholders themselves appear to acquiesce in this "penny-wise and pound-foolish" kind of policy; although they are all more or less travellers, and may at any moment become victims and although year after year they have to pay thousands of pounds in damages which might have been saved by the outlay of a few hundreds in extra pointsmen and more skilfully constructed Brakes. The accident, however, *par excellence*, which has thrown all others into the shade, was the terrific boiler-explosion on board *H. M. S. Thunderer*. One of the last completed, most expensive and most powerful ironclads, she was being tried over the measured-mile in Stokes Bay, near Spithead, when, without a note of warning, a tremendous report was heard, the entire vessel was shrouded in a dense fog of steam and smoke and the air was filled with the piercing shrieks and awful groans of the dying sufferers. No less than forty men were killed; and twice that number seriously injured. The largest of her seven boilers had burst owing to the imperfect action of the safety-valves. Sixteen intelligent jury-men sat for more than a month, but they, as usual, failed to elucidate why the valves were out of order, or whose business it was to supervise them.

The last great three-year-old race of the year was brought off the day before yesterday. The

public had apparently made up their minds that only two horses had a chance of victory, viz., *Kisber* and *Petrarch*, and, barring those two, twenty to one was the betting. The second horse in the race even started at hundred to one. The former had won the Derby in a canter, the latter had carried off the two-thousand-guineas-stakes at Newmarket and the Prince of Wales' stakes at Ascot; but as *Kisber* did not run at Newmarket or Ascot and had beaten *Petrarch* out of sight at Epsom, it was naturally supposed that he would win at Doncaster. It was the 100th anniversary of the great race first instituted by the Marquis of Rockingham, the then Prime Minister of England, and *Petrarch* following in the footsteps of his sire, Lord Clifden, has proved the hero of the centenary. There can be no doubt that in the ordinary course of things he should have emulated the example of his predecessors West Australian, Lord Lyon, and *Gladiateur*, and should have won the triple crown; but at Epsom there was "something wrong," and without imputing anything to any one I will simply recount a little story for the accuracy of which I can vouch. At the end of last January an officer in Her Majesty's service of sporting tendencies landed at Portsmouth; one of the first persons he met was a well-known individual connected with the betting and money-lending interests. "What turf news?" said the son of Mars fresh from the arid plains of Hindustan and thirsting for a "tip." "Well, Captain," was the reply, "back *Petrarch* for the Two-Thousand and Leger but," "don't have nonglit to do with him for the Derby." "The horse as good as belongs to us, and it won't answer our purpose to let him win at Epsom."—*Verbum sap!* The Captain won a tidy stake.

Mr. Stanley, the renowned Correspondent (or Commissioner I believe is now the polite thing to say) of the *Daily Telegraph* and *New York Herald*, continues his raid on the natives of South Africa, and the journals of his doings arrive from time to time in this country. Whether his so-called discoveries have any practical value may be open to doubt, but that he has murdered a large number of the savage wretches whom it is his professed object to "conciliate" is indisputable, and it has occurred to some people of humane disposition that certain of Mr. Stanley's high-handed acts of what he terms indispensable retribution bear a strong resemblance to some of the "Bulgarian atrocities" aenent which the public mind just at present is so powerfully exercised. I am not a casuist or a philosopher, nor can I lay claim to the attributes of a "Savant" or a F. R. G. S., so I simply wonder whether it is justifiable to sacrifice an indefinite number of human lives in order to ascertain the latitude and longitude of a lake. Mr. Stanley is brave, clever, energetic, industrious and of an iron constitution. Is his present sensational "civi-

sade" (as it has been termed) in the interior of Africa, the best field in which to employ the abnormal talents and advantages with which it has pleased Providence to bless him?

I am, &c.,  
PERIPATETIC.

LONDON, 15th September 1876.

## HIGH COURT—CALCUTTA.

GARTH, C. J., AND MACPHERSON, J.

Beng. Act VIII of 1869, Section 98—Suit for value of Crops—Distraint—Jurisdiction—Small Cause Court.

The plaintiff made a complaint to the Magistrate against the defendant, his landlord, for forcibly carrying away his crops; whereupon the defendant was tried, convicted of theft, and punished. The plaintiff then instituted a suit against the defendant in the Munsiff's Court, apparently under Section 95 of Beng. Act VIII of 1869, and obtained a decree declaring the distraint to be illegal, and directing the crops to be given up to him. The defendant offered to give up a smaller quantity than was mentioned in the decree. The plaintiff refused to take the same, and brought a suit in the Small Cause Court to recover the value of the quantity he had claimed before the Munsiff and something additional.

HELD, that the Small Cause Court had no jurisdiction, and that the suit ought to have been brought under Section 98 of Beng. Act VIII of 1869.

*Hyder Ali v. Jafar Ali.\**

THIS was a reference to the High Court by the Judge of the Small Cause Court of Bhangulpore in a suit brought by a tenant against his landlord under the following circumstances:—

On the 18th of March 1874, the defendant distrained certain crops belonging to the plaintiff, and on the 27th of the same month applied to the Munsiff under Section 78 of the Beng. Act VIII of 1869 for an order for sale, representing that the crops had been stored on the 25th. The Munsiff, on the same day, made his order under Section 80 of the Act. The plain-

\* Reference from the Small Cause Court of Bhangulpore, dated 4th May 1875.

tiff, on the same day, viz., the 27th of March, complained to the Magistrate that his crops had been forcibly carried off by the defendant, whereupon the defendant was tried, convicted of theft, and fined Rupees 20.

The plaintiff then instituted a suit before the Munsiff on the 13th of April, apparently under Section 95, although that Section was not mentioned, and obtained a decree declaring the restraint to have been illegal, and directing the property to be given up; but no damages were awarded. The plaintiff then proceeded to execute his decree, but as the defendant would only make over ten maunds instead of twenty-eight maunds demanded under the decree, the plaintiff refused to take the quantity offered to him, and brought the present suit in the Small Cause Court for the value of twenty-eight maunds and something over not mentioned in the case before the Munsiff.

The Judge of the Small Cause Court decided that he had no jurisdiction to try the case, and referred to the High Court the following question:—Will this suit lie? As the defendant refused to make over the whole of the restrained property, which appears to amount to a refusal to withdraw the restraint, has not the plaintiff his remedy by a suit under Section 98 of the said Act (Beng. Act VIII of 1869)?

The parties were not represented in the High Court by pleaders.

The judgment of the High Court was as follows:—

**GARTH, C. J.**—The Judge of the Small Cause Court is right in thinking that the Small Cause Court has no jurisdiction, as the suit is clearly one which might and ought to have been brought under Section 98 of Beng. Act VIII of 1869.—*The Indian Law Reports*, Vol. I, p. 183.

#### GARTH, C. J., AND BIRCH, J.

**Res judicata—Act VIII of 1859, Section 2—**

**Suit for Rent—Subsequent Suit for Abatement of Rent.**

The plaintiff obtained a putni lease of certain villages from the defendant in 1861 at an annual rent, and in 1865 was evicted from a portion of the property: she took no steps to obtain an abatement; but inasmuch as she did not pay any rent for the year 1871, the defendant brought a suit against her for the rent of that year. The plaintiff set up the defence that she was entitled to an abatement of Rupees 155 from her rent; the 155 Rupees representing the annual value of the property which she

had lost in consequence of the eviction. In that suit it was decided that the amount of abatement she was entitled to was Rupees 42. No appeal was made against that decision. In a suit brought by the plaintiff for the purpose of obtaining a permanent abatement of her rent she claimed the precise measure of abatement, viz., Rupees 155 which she had claimed in the suit brought against her by the defendant.

**HELD, that the question was res judicata, it having been raised and decided in the former suit.**

#### Nobo Doorga Dossee and another v. Foyzbux Chowdhry.\*

In this case the defendant granted to the plaintiff a permanent putni settlement of certain villages under a lease dated in 1861, at an annual rent of Rupees 1,548 and a premium of Rupees 7,654. In the year 1865, the plaintiff was evicted from a portion of this property; whereupon she brought a suit against the defendant to recover from him a proportionate part of the premium, and certain mesne profits. For this she obtained a decree; the Court especially finding, that this decree would not affect the plaintiff's right to an abatement in her rent for the future. The plaintiff took no immediate steps to obtain any abatement; but inasmuch as she did not pay any rent for the year 1871, the defendant brought a suit against her for the rent due in that year. In that suit the present plaintiff set up as a defence, that she was entitled to an abatement of Rupees 155 from her rent, that Rupees 155 representing the annual value of the property which she had lost in consequence of the eviction. On this suit coming on for trial the Judge went carefully into the question of abatement; and he decided, that the amount should be Rupees 42 instead of the Rupees 155 claimed by the plaintiff. No appeal was made against that decision. The plaintiff now sued for a permanent abatement of her rent, laying the measure of abatement at Rupees 155; and the defence was that the suit was barred by the decision in the former suit.

**Baboo Issurchunder Chuckerbutty for the appellant.—**The former judgment being on a different cause of action is no bar to the hearing of this suit. In the former case a deduction was claimed from the rent due for one year only. The matter came in question collaterally as the suit was one for rent. In this suit the plaintiff seeks to fix the rate at which he is

\* Special Appeal, No. 2546 of 1874, against decree of the Subordinate Judge of Zillah Rajshahye, dated the 24th June 1874, affirming decree of the Munsiff of Pubna, dated 29th August 1873.

to pay rent for future years. The deduction is on the same ground, but the cause of action in each case is a distinct and separate cause of action. In such a case a previous judgment is no estoppel. See *The Duchess of Kingston's case*;\* *Khugowlee Sing v. Hossein Buz Khan*;† *Chunder Coomar Mundul v. Nunee Khanum*;‡ *Mussamat Edun v. Mussamat Bechun*.§ The test is whether the same evidence would support both cases, *Hunter v. Stewart*,|| where the same question was allowed to be litigated only on a different ground. In the case of *Nelson v. Couch*,¶ it was held that to constitute a good plea of *res judicata*, it must be shown that the former suit was one in which the plaintiff might have recovered precisely that which he seeks to recover in the second. The plaintiff could not have obtained what she seeks in this suit, viz., an abatement for future years.

Baboo Mohini Mohun Roy for the respondent.—There is an estoppel in this case on the face of the facts. The plaintiff does not claim to have become entitled to a deduction on account of any alteration of circumstances since the first suit, but that the abatement allowed was not properly come to. The issue there was whether the plaintiff was entitled to abatement, and if so, to what extent. It was her fault if she did not place evidence before the Munsiff who tried the case, and there was no appeal. In the Full Bench case of *Chunder Coomar Mundul v. Nunee Khanum*,† it was held that the decision of the Collector was not binding in a subsequent suit because there was no concurrent jurisdiction, but here there is a concurrence of jurisdiction as to those matters which both the Civil Court and Revenue Court can decide. The principle upon which the abatement was claimed in the former suit for that one year is the same as that upon which it is now claimed for all future years. That decision necessarily decides in effect, though not in express terms, the very question here raised. The matter is therefore *res judicata*—see *Soorjomonee Dayee v. Suddanund Mohapattee*\* and *Mohima Chunder Mozoomdar v. Aradha Das-sia*.†† [Baboo Issurchunder Chuckerbutty.—That case was overruled by the Full Bench decision in *Iurri Sunker Mookerjee v. Mukaram Patro*,††] In *Rakhal Das Sing v. Sreemutty Heera Motee Dossee*,§§ it was decided that although the suit related to the rent of one year, the decision applied also to rent for other years. In *Mohesh Chunder Bundopadhyay v. Joykishen Mookerjee*,||| the Munsiff decided that the tenant's plea of holding being rent-free was made out. After-

wards, when the landlord sued, he was held to be concluded. The decree made by the Revenue Courts would not be binding from want of concurrence of jurisdiction, but decrees made by the Civil Court in rent suits, since the transfer of rent suits to the Civil Courts, are as good as decrees in other cases under the Code.

Baboo Issurchunder Chuckerbutty in reply.—The effect of the decision in *Iurri Sunker Mookerjee v. Mukaram Patro*\* is to overrule some of the previous cases on this question. No doubt, where the matter is necessarily decided in the former suit, there would be an estoppel, but the matter now in dispute could not have been decided in that case either in express terms or otherwise, because the Court had no jurisdiction to try it. The decision therefore was not the decision of a competent Court.

GARTH, C. J., (after stating the facts as above continued) :—

The plaintiff brings this suit for the purpose, as she says, of obtaining an abatement of her rent for the future; and she claims in this suit the precise measure of abatement, Rupees 155, which she had claimed in the suit brought against her by the defendant. The defendant's answer is, 'this question which you now seek to raise, has already been decided between us in the former suit. You claimed the same abatement then as you do now. You attempted to establish it upon the same grounds. You went into the question, not as if the abatement were for one particular year, but for the whole remainder of your interest; and from the very nature of the question, you could not have gone into it upon any other basis.' The plaintiff's reply to this is—'no. Your claim then was for the rent of one year only: my defence must necessarily have been confined to that one year; and the result could not bind either of us for the future.' This contention raises a very nice point upon the doctrine of estoppel; as to which during the argument I confess that I personally have felt considerable difficulty.

There is no doubt as to what the law is upon the subject of estoppel. The difficulty is, in applying that law to such a case as the present. Each year's rent is in itself a separate and entire cause of action, and if a suit be brought for a year's rent, a judgment obtained in that suit, whatever the defence might be, would seem only to extend to the subject-matter of the suit; and leave the landlord at liberty to bring another suit for the next year's rent, and the tenant at liberty to set up to that suit any defence she thought proper.

But it is said, on the other hand, that in the former suit between the defendant and the plaintiff, the entire question of what ought to be the permanent abatement of rent during the

\* 2 Smith's L. Ca., 6th Ed., 679.

† 7 B. L. R., 673.

\*\* 12 B. L. R., 304.

‡ 11 B. L. R., 434.

†† 15 B. L. R., 251.

§ 8 W. R., 175.

†† 15 B. L. R., 238.

|| 8 Jur., N. S., 317.

§§ 23 W. R., 282.

¶ 15 C. B., N. S., 99.

||| 15 B. L. R., 243.

\* 15 B. L. R., 238.

whole period of the lease, was substantially and necessarily tried and determined, and that they are neither of them at liberty to re-open that question. The principle upon which the abatement was made, the value of the land, the measurements, and other circumstances which form the materials upon which the Judge would estimate the amount of the abatement, would be applicable to one year as well as to another, and what was a just and proper abatement for the year 1871 would be an equally just and proper abatement in each succeeding year.

There certainly appears to be great weight in this reasoning, and there is no doubt that substantial justice will be done by adopting it.

Even assuming that the judgment in the former suit were not binding between the parties as an actual estoppel, it would afford such cogent evidence between them upon the point, that the Judge in this suit (in the absence of some entirely fresh materials) would be perfectly right in acting upon it; and we cannot doubt, that if we were to send the case back to the Lower Appellate Court with this intimation, the Judge would act upon it, as a matter of course; and the parties would only be put to additional expense to no purpose.

But happily, we are not without authority in this Court to guide us in coming to a conclusion. The cases which were cited in argument by the defendant's pleader—*Mohima Chunder Mozoomdar v. Asradha Dassia*,\* and *Rakhal Das Sing v. Sreemulti Heera Motee Dossee*,†—seem very much in point; and we think that we ought to act upon them. In one of those cases, the suit was brought by a landlord for one year's rent. The answer was, the land is rent-free—and a decree was passed against the landlord upon that ground. Another suit was afterwards brought by the landlord for another year's rent; and it was held, that as between the parties, it had been decided, that the land was rent-free; and that this decision was binding upon them not only for the one year, but for all future years.

In accordance with this, we hold that the question of abatement of rent has been determined in the former suit between these parties not only for one year 1870, but for all future years. The appeal will therefore be dismissed with costs.—*Idem*, p. 202.

\* 15 B. L. R., 251.

† 23 W. R., 282.

## OFFICIAL PAPER.

### THE CULTIVATION OF THE CAROB TREE IN INDIA.

*Proceedings of the Madras Government, Revenue Department, 10th July 1876.*

Read the following letter from A. O. HUME, Esq., C.B., Secretary to the Government of India, Department of Revenue, Agriculture, and Commerce, (Agriculture and Horticulture,) to the Hon. D. F. CARMICHAEL, Secretary to the Government of Madras, Revenue Department, dated Simla, 9th June 1876, No. 4/224:—

I AM directed to forward, for the information of His Grace the Governor in Council and for distribution to District, Forest, and Jail Officers, copies of a Note on the subject of the cultivation of the Carob tree (*Ceratonia siliqua*). Copies of instructions in regard to the measures likely to secure its successful cultivation are also forwarded.

2. The Government of India will endeavour to procure seed for any officer who may wish to undertake the cultivation of this tree, on his showing that the locality in which it is proposed to try the experiment is favorably situated as regards soil, climate, and other conditions, and who will engage to grow the seed carefully, afford the young trees protection from the ravages of cattle, sheep, and goats, and report promptly and regularly the results of his experiment.

### ENCLOSURE No. 1.

*The Carob Tree (Ceratonia siliqua), with reference to its Cultivation in India.*

The *Ceratonia siliqua*, a member of the natural order Leguminosæ, sub-order Cæsalpiniæ, and a rather close ally of the Indian tamarind, is extensively grown on the shores of the Levant, in Turkey in Asia and the island of Cyprus, on the Mediterranean Coasts, both African and European, in Italy, the islands of Sardinia and Malta, and Spain, its culture being particularly extended in Southern Italy and Sicily. In Cyprus it grows wild, and is very abundant. Some of the cultivated Cyprus varieties are held in great esteem as the best existing varieties of the tree. Growing in most soils, and not requiring much moisture or care, it gives but little trouble, and its cultivation is extending in the island every year. The yield of fruit, however, is affected in hot and dry seasons, the quantity being comparatively small and the quality inferior. The bean is exported from Cyprus chiefly to the Russian ports of the Black Sea. The tree also grows in great

abundance in Palestine, whence the bean is exported to Alexandria and Constantinople.

2. The synommes of the tree are: Spanish, Algarroba; Portuguese, Algorroba; Italian, Car-rubio and Caruba; German, Karob-baum and Johannisbrot-baum; English, Carob, Locust bean, and St. John's bread. The German and English reference to the apostle is derived from the idea that these beans were the "locusts" on which, as the Scriptures say, he fed in the wilderness. In Greek, Balfour tells us (*Class Book of Botany*) the tree is called Keratia or Keratonia, and he adds that in Luke xv. 16, the word Keratim, which has been translated "husks," is taken to mean the fruit of the Carob tree. This conjecture of Professor Balfour is supported by the opinion of Archbishop Trench (from whom perhaps Balfour adopted the view he has expressed) in his *Notes on the Parables*, where it is said that these husks are "the fruit of the Carob tree."

3. The other name of the tree clearly comes through the Spanish from the Arabic name of the tree *Kharoub* or *al Kharoub*. In India it is known by the Arabic name, and is also sold in the bazaars under the name Kharnub Nubti and Kharnub Shami, or Syrian Kharnub, seemingly a corruption of the Arabic word.

4. The tree bears a thick, flat, brown curved pod, containing hard red seeds resembling those of the tamarind, embedded in a red fibrous pulp of sweet and somewhat astringent taste. These seeds are said to have been the original carat weight of jewellers. The pulp, which is very nutritious and gently aperient, is the useful part of the tree. The crop is very abundant trees sometimes yielding from 800 to 900 lbs. of pods. In countries where the tree is grown it is used for human consumption, especially in times of scarcity,\* and at all times forms a nourishing, palatable, and fattening food for horses, mules, asses, and horned cattle. "The plant, seeking its nourishment under ground, is so independent of surface irrigation and so retentive of life that, according to M. Bové, a tree supposed to be three hundred years old, which was cut down during the French invasion of Egypt, sprang up again thirty years after on wells being sunk in its neighbourhood." (*Voigt. Hort. Sub. Cal.*)

5. The bean is now largely imported into England, where it is made up with oil-cake into food for cattle. Morton, in his *Cyclopaedia of*

*Agriculture*, speaks favorably of it as cattle-food, and it is said that it forms one of the principal ingredients of the well-known "Thorley's food." The pulp is also said to be chewed by singers to improve the voice. The Turks make use of the pulp for sherbet, as the people of India do with tamarind pulp, mixing it with liquorice root and fruits. The bark is sometimes employed as a substitute for oak bark in tanning hides, and an invention has been patented at Paris for the application of the beans to the production of a species of glucose or fermentable sugar adapted to a variety of manufacturing purposes.\*

6. In India it is held in repute as an astringent, and is employed in cases of cough accompanied with much expectoration. It is imported for medicinal purposes from Kabul, and is sold as high as Rupees 10 the seer in the markets. It is not as yet used for food, as indeed is sufficiently manifest from this extremely high price. In Cyprus £4-10-0 per ton is considered a high price and much above the average: the Indian price is equivalent to a rate of £1,220 per ton.

7. The history of the introduction of this tree into India greatly resembles the history of the experiments made with many other useful vegetable productions. The process has generally been somewhat as follows:—The article is first lauded as a most useful thing, and its acclimatisation declared to be most desirable. Then there is a lull. A little later, some official, or perhaps some non-official gentleman, with a taste for these matters, sees the plant growing in some favorable locality, is struck with its appearance, introduces it with more or less success, and then leaves the district or the country, and the subject drops out of sight with him. A little later, the whole process is gone through again, and so on *da capo*; the very slightest reference, if any, being made by each successive experimenter to the results of the trials made before his time. Thus the experiment, which might, if carefully watched, finally show in two or three years whether it was worth pursuing or not, drags on its weary course through thirty and forty years with indecisive results at last. The moral of the story is, that such experiments should be carried out in suitable conditions under the close supervision of a central Government department, charged especially with such business and competent to undertake it.

8. The main fields of experiment with the *Ceratonia siliqua* have been in the North-Western Provinces, the Punjab, and Madras.

In the North-Western Provinces its introduc-

\* In his Commercial Report on Cyprus for 1873, a year of great distress in the island, the British Consul writes:—"Great numbers of the quasi-starving peasants were obliged to subsist on the edible roots of such indigenous plants as they could dig up in the fields, using also locust beans to a large extent in lieu of cereals."

\* Ure's Dictionary of Arts, Manufactures, and Mines, Ed. 1872.

tion dates as far back as 1840, having been recommended by Professor Lindley, through Dr. Royle. In that year the Superintendent of the Saharupore Garden reported to Government that several hundred plants had been raised for eventual distribution along the dry and sandy tracts of those provinces. He stated that at that time the pods were selling in the markets at Rupees 10 the seer.\*

Apparently the experiment came to nothing after all, for twenty-two years later the Superintendent of the Gardens, Dr. Jameson, reported to Government that he had *en route* to England visited Malta, and had been much struck with the growth of this tree in the most barren, dry, and stony places, and with its useful qualities, which he thus detailed: "It seeds immensely. By the poorer classes it is ground and mixed with grain, and when baked in the oven it is any thing but disagreeable. In seasons of scarcity it is, therefore, much used by the poorer inhabitants. It is constantly given to horses and mules in the proportion of one measure Carob beans to two measures of Barely, and on this food they both work and thrive well." Dr. Jameson accordingly brought with him a large quantity of seed, from which he raised a number of plants to test the value of the tree "in the dry places of the North-Western Provinces."†

In the following year (1863) he reported that the tree had been extensively propagated and distributed, but had not, though it flourished well, yielded pods in such quantity as in Malta and Italy. This however, he said, might be due to the trees being too young. This remark I am unable to understand if Dr. Jameson referred to the produce of the seed of the previous year, for the tree never fruits until it is seven years old at least.

In the next year (1864) no reference was made in Dr. Jameson's report to these trees, but two cases of seeds are mentioned as having been received from the India Office, placing the Superintendent in a position to distribute the tree largely throughout the North-Western Provinces.

From this time down to 1872 official records, as far as I can ascertain, are silent on the subject of this experiment. In that year, however, we find it stated that many trees (among them the Carob) had been raised from seeds received from the India Office and naturalised in the plains of the North-Western Provinces.

\* This statement I find repeated in various successive papers, including that most useful book, Mr. Baden-Powell's Punjab Products. Apparently the import of the article as a drug is small, and the price is not subject to great variation.

† Letter to the Government of the North-Western Provinces, No. 318, dated 26th May 1862.

9. In 1862 Mr. G. Ricketts, C. S., of Allhabad, brought seed with him to India and sowed some at Benares and Cawnpore. One of the trees grown at Benares was afterwards removed to Cawnpore, where it grew extremely well, standing the climate perfectly. In 1873, when Mr. Ricketts saw it, the tree was nearly 25 feet high and 9 inches in diameter.

10. The latest experiment in the North-Western Provinces was tried with some seed presented to the local Government in August 1874 by Mr. W. S. Halsey, C. S.; most of the seed was sent to the Superintendent of the Botanical Gardens at Saharupore, with instructions to give the plant all possible chances of successful growth. Of the progress of this experiment we have no account.

Some of the seed was also sent to the Commissioner of Kumaun for trial, and by him was distributed to gentlemen whom he thought likely to take an interest in the experiment. Some of the seed, the Commissioner reported, germinated freely at Haldwani, and he proposes to try whether the tree will mature in the severer climate of the Bhabur. This is unlikely, for, as the Secretary remarks, the climate of Kumaun is too cold for it. This is clear from the fact reported by the Commissioner that some plants which germinated in 1873 were in March last only a foot high. Kumaun is not a good locality for this tree.

11. In the Punjab the tree seems to have been introduced by Mr. Charles Gubbins, C. S., between 1842 and 1844. He imported considerable quantities of seed from Italy, and sowed it in the districts of Panipat, Gurgaon, Rohtak, and Delhi, also distributing seed to natives. In 1849 many of the trees thus planted were alive about Delhi, but all trace of them seems to have disappeared, and no record of the experiments exists, all Government documents at Delhi having been destroyed by the rebels in 1857. An unsuccessful attempt seems to have been recently made to grow the tree in the Queen's Gardens, Delhi.

The tree was re-introduced into the Punjab by Mr. George Ricketts, some of the seed imported by that gentleman in 1862 having been sown at Lahore and Ferozepore. In 1866 Dr. George Henderson stated to the Agricultural and Horticultural Society of the Punjab that there were then four large trees in Lahore in the gardens of gentlemen,—one which was measured was three feet in girth at the ground, and they were all about the same size. One of them was in fruit when Dr. Henderson mentioned the subject. These were the produce of the seed brought out in 1862 by Mr. Ricketts. Trees produced from this seed were still growing at Lahore and Ferozepore in 1873, and in that year Mr. Ricketts sent the Agricultural and Horticultural Society of India some seed

obtained from the trees at Ferozepore. Mr. Ricketts says it has been proved that the tree will thrive in the Punjab and the North-Western Provinces.

The seeds, he says, should be well soaked before planting, and the trees, when planted out, should not be too far from each other to ensure their fruiting.

The explanation of this suggestion will be found in paragraph 13 in Dr. Henderson's Memorandum, which is the completest account on this subject which the Government possesses.

Dr. J. L. Stewart in his *Punjab Plants* (Ed. 1869) stated that the tree had been introduced into the Punjab some years, and in some parts had thriven, and was spreading though it did not grow rapidly, and had not yet ripened its seed, or indeed produced pods, except in rare instances. "One or two female trees existed, Dr. Stewart says, in one of the Lahore gardens, and were cut down by the owner, Vandal-like, probably because he did not care to be bothered by questions from the Agri-Horticultural Society as to their progress. It is curious that in the bazaars the pods are sold as an astrigent medicine under the name *Kharub Nubli*, probably finding their way from Syria by devious routes."

In a letter, dated the 3rd January 1876, the Financial Commissioner of the Punjab reports that of the Carob trees in Lahore, those in the garden of Mr. Lindam have grown well and produced seed freely; these trees are supposed to have been planted about 1858. The largest is now four feet in girth, a yard from the ground, and 25 feet in height.

At Madhopur some trees were planted about eight years ago (1868) in the church grounds. These seeded freely for the first time in 1874, and again in 1875, and five hundred seedlings have been raised. Captain Garstiu, Executive Engineer in charge of the Bari Doab Canal at Madhopur, proposes to form a plantation of young trees on the bank of the canal where they can be irrigated. A few trees were planted out on the canal, and were alive at the end of the year. Captain Garstiu says that they ought to be planted tolerably close together, to admit of fertilisation, and that they should be protected from cattle, which are very partial to the leaves, browsing on them freely. Seedlings and seeds are now available at Madhopur for distribution.

The Financial Commissioner further reports that "there are many Carob trees in the Shahpur District in the church compound, and the Government garden at Sodi, in the Salt Range. The former are apparently, or were in 1872, all of one size, and did not fruit. Those at Sodi fruited freely, and Mr. Egerton has

received seed from the Shahpur District, which has germinated in England."

12. The latest experiment in the Punjab, as in the North-Western Provinces, is due to Mr. W. S. Halsey, who last year presented to the Government of the Punjab a quantity of seed obtained by him while in Italy during that year accompanying the gift with the following memorandum on the cultivation of the plant prepared by the Italian Department of Agriculture and Commerce:—

"The Carob is an evergreen; it belongs to the order of Leguminosæ, and resembles the Tamariud in some of its characteristics.

"The size of the tree varies with the climate and the soil where it is cultivated. In Central Italy, where it is difficult to make it fruit, it seldom grows above 20 to 25 feet. In Southern Italy it reaches 36 to 40 feet and possibly higher. It is easily cultivated by sowing in the open ground or in suitable pots, and the young trees need not be finally planted out for four or five years.\*

"The habit of the plant is to grow very bushy near the roots, but provided the shoots at the base are taken off, it will grow large and thick above, and will require a space of 15 to 16 feet between each tree.

"The climate best suited to the Carob must be hot, and to a certain extent dry; and with these qualities it is immaterial whether the land be level or hilly.

"It bears its first fruit when it is about ten years old, and gives its largest crop between the ages of fifteen and twenty years, but it goes on yielding for many years, as it lives to a great age.

"The cultivation is very much restricted to the south of Italy, with the exception of the provinces of Savona and San Remo in Northern and Portoferraio in Central Italy. It is grown also in the provinces of Cagliari and Sapari in Sardinia,—not, however, to any very great extent.

"The cultivation is very important in Sicily especially at Modica and Noto.

"The annual produce in these two districts is estimated at 52,500 tons, of which a large portion is exported to England.

"The districts in Southern Italy, which cultivate the largest quantity of Carob, are in the plain of Puglia; in fact, the neighbourhood of Bari produces annually 8,750 tons, which are generally exported to foreign parts, and the

\* In this case it would be advisable to shift the plant each year.

neighbourhood of Foggia 150 tons ordinarily exported to Venice and Trieste.

"In Italy the Carob is used as food for beasts, especially for mules and horses, particularly for horses, because they feed the mules, which they work very hard, on Oats and Barley and in some places with beans.

"Horses which are let on hire are generally fed all the year round on Carob seed mixed with bean in the proportion of one-third to one-fourth.

"In some places the poorer classes use it as food, but this is to an insignificant extent.

"The income derived from a hectare of land cultivated with the Carob is, according to Professor Ottari, larger and more certain than that of the better kinds of forage, because the tree can bear the heat better than green crops.

"The produce of the Carob tree, well manured and deeply trenched during the first year (because in after years the roots become too superficial), is at least about 9 tons-the hectare; that is, equivalent, as regards nourishment, to 44 tons of green food.

"The foliage also of the tree serves as food for the beasts. Alcohol is distilled from the seed, and an excellent oil for burning is also extracted from them. The bark is used for tanning.

"At Naples they use the wood for constructing wheels with teeth and also for furniture.

"The annual production of the Carob in Italy Proper is calculated at 79,750 tons, and, though large quantities are exported annually, an equivalent amount is imported from Turkey, Greece, Egypt, &c."

13. Dr. Henderson having been asked for his opinion, wrote the Note referred to in paragraph 11. The substance of this Note is as follows:—

"The value of this tree for the Punjab depends on the fact that it will grow and thrive in the most arid tracts; that it requires almost no cultivation: and that it prefers excessive heat and a soil containing lime: kunkar soil seems to suit it well.

"*Habit of the tree, climate, soil, &c.*—The Carob grows to a height of 25 to 35 feet. There are now many trees in Lahore quite 25 feet high. As far back as June 1866, I find in the Proceedings of the Agri-Horticultural Society of the Punjab (page xxxvi) a Note of my own regarding a tree in a private garden in Lahore, which had then a stem three feet in girth at the ground.

"The Carob is evergreen; it is readily

propagated by seed; but I have failed to get either cuttings or layers to strike.

"In the Punjab the seed should be sown towards the end of the cold weather,—say in January or February,—in a seed-bed where it can be watered, or in pots. Most of it will germinate in April and May.

"I find that saline soil or saline well-water kills the young plants. Canal water and soil without *reh* should, therefore, be selected. There is a peculiarity about the germination of Carob seed which, no doubt, has something to do with the fact that it is a tree of dry and parched countries. It is this, that of a pound of seed sown in February, three-fourths will germinate within a month or two, more will come up when the rains set in, and some will lie dormant in the ground for one or two years. To cause the seed to germinate quickly, I always soak them in a vessel of water hung up in the hot sun and make the gardener examine them every other day and pick out all those for immediate sowing which have swollen by imbibing water. I have now a quantity of seed gathered last June in Lahore which have been soaked in water exposed to the hot sun daily for 45 days, and, although they have been examined every day, I do not think that a dozen have yet shown signs of germinating.

"The Carob is dioecious, in other words the male, or staminiferous, flowers are found on one plant, and the female, or pistilliferous (fertile), flowers on another. This necessitates grafting to render a solitary tree fertile, but in any case grafting is to be recommended, because just as in the case of the Mango and most other fruit trees, varieties don't come, true from seed. Several bushels of fruit ripened in gardens about Lahore in June last, but most of the beans were only about half the size of those I have seen in Italy and Malta. They were also much less sweet and very much more astringent, and though I believe they would have been valuable as food for cattle, I found them too astringent to be very palatable.

"This convinces me that if the tree is to be extensively grown here a few good grafted trees must be obtained, and I shall undertake to get them out from Italy if necessary.

"In grafting the usual mode of proceeding is to preserve on each plant in the nursery three shoots only; on two of these female grafts are put, and on the third a graft off a male tree; afterwards the male branch is allowed to grow only just sufficiently to produce enough pollen to fertilise the flowers on the other two or female branches. Where trees are plentiful they fertilise each other by pollen being blown from a considerable distance by the wind, and I have found isolated female trees in Lahore produce abundance of fruit, although no male

tree was within several hundred yards as far as I could ascertain.

"The Carob likes a dry soil containing lime, but will grow and thrive on almost any soil that is not marshy. In damp marshy ground it dies; it does not thrive either in Saharanpore or Calcutta. The climate cannot be too hot. I never saw even very young seedlings killed by the hot wind ( $140^{\circ}$  to  $160^{\circ}$  F.),\* except where there was saline matter in the water, or soil, or where too much water was given.

"As to the other limit, I believe it is found that wherever the orange will ripen its fruit without artificial protection, the climate is not too cold for the Carob. At Lahore on the worst soil about the Central Jail it thrives well, in fact, all over Lahore. On the salt range it thrives even better, and grows very much more rapidly.

"I believe it has most chance of turning out to be valuable where the Olive (Kow) grows wild. Carobs, Olives, and Vines are usually found growing together, and often on ground unsuitable for grain crops. They would all thrive equally well here on what district officers now call unculturable land, and what the people call "bungar." This I have proved at the Central Jail. I have now French Olives as large as walnuts; the only two trees I have bore fruit abundantly last year and this year, and of twenty sorts of the best European Vines not one has degenerated in the least. These have all been grown on soil which seven years ago was unculturable. I planted it with thousands of Parash cuttings, but in spite of every exertion all died except one. Now it is covered with Vines, which bear as good fruit as I ever saw or ate out of an English hot-house.

"This is the third or fourth attempt which, within my knowledge, has been made to introduce the Carob into the Punjab, and unless the experiment is now carried on in a less desultory way than former ones, I doubt if it will have any better results.

"Thirteen years ago I urged on the Agri-Horticultural Society here the advantage of getting a large experiment made with the Carob tree. Some bushels of seed were then obtained from Europe, and were distributed. I did not then know that the same thing had been done five or six years before. Almost every year since I came to the Province seeds have been sown in the Agri-Horticultural Society's Garden and plants distributed, and we now know, for certain, not only that it will live and thrive, but that it will fruit freely six or seven years after planting. I therefore trust

that an experiment will be made to form a plantation of 50 or 60 acres on some of the waste land about Lahore, where it would be within half an hour's ride of all the Government officers. If put away in the desert it will be lost sight of and forgotten within five years, until some energetic officer rediscovers it.

"I merely mention this to show that the plantation should be close to head-quarters, so as to excite and keep up an interest in it. Had Government seen fit to encourage the starting of the jail farm proposed by me four years ago, such an experiment could have been carried out without almost any expenditure beyond the labor of ticket-of-leave men, and in eight years the actual money value of the tree would have been thoroughly tested once for all. If a quantity of the seed is now made over to me at the jail, I can raise plants in large pots. They will not cost, pots and all, above Rupees 250 per 10,000. If afterwards it is decided to form a plantation of these and of European Olives, the waste ground can at any time be purchased for a trifle.

"The Punjab now abounds in corn. I doubt if it ever will abound in Vine, unless it be grown in Kashmir; but oil is now very scarce and of very inferior quality, and, as pasture land gets encroached on by grain crop, the supply of butter will probably get less and less up to a certain limit when green crops will become more extensively grown; but there can be no doubt that in many submontane districts the Olive would yield an enormous amount of oil fit for human food; and if the introduction of the Carob is to be carried out systematically, as in the case of Tea and Cinchona, the Olive should be introduced along with it, or rather multiplied, for the plants introduced by me in 1867 have now increased to thousands I believe.

"I should mention that ten days ago I received from the Assistant Secretary to Government several pounds of the Carob seed lately sent out by Mr. Halsey. I sowed it all the day after I received it, having soaked it a night in tepid water. I did not expect much of it to germinate till Spring, but I am happy to say every single seed has come up and most of them have opened their seed leaves."

The result of Dr. Henderson's paper was, that the Financial Commissioner recommended that the experiment suggested should be tried on suitable ground near Lahore, and in compliance with this suggestion 35 acres of land near Government House were made available for the purpose. The Conservator of Forests was then supplied with five seers of seed, and told to form a plantation. In June last year operations were commenced and a considerable portion of the land sown with seed.

#### 14. In Madras the introduction of the tree

\* The British Consul in the island of Cyprus, however, says that a too hot and dry season injuriously affects the quantity and quality of produce.—O'C.

as food for cattle was suggested by Sir Gasparle Marchant, Commander-in-Chief of the Madras Army, in 1866. At that time there were some plants in the garden of the local Agri-Horticultural Society, raised from seed brought from Cairo in the previous year by Dr. G. Bidie. A further supply was obtained in 1866 from Malta, and packets were distributed, through the Board of Revenue, to the Collectors of various districts. Dr. Bidie also said that as the Society was in a position to give the plant, which promised to be so useful, a fair trial, no pains would be spared to render the experiment successful. The result of the Society's experiments is thus reported in a letter from the Honorary Secretary, dated 13th August 1875: "From that date [viz., October 25, 1866] nothing further appears in the records of the Society, but from report it is ascertained that the seed germinated and several healthy plants were raised which subsequently died." And I will note in this place that of all unsatisfactory experiments conducted in India, those conducted under the direct supervision of Agricultural and Horticultural Societies have been the most unsatisfactory.

The seed distributed by the Board of Revenue was sent to Nellore, Bellary, Kurnool, North Arcot, Cuddapah, Salem, Trichinopoly, Coimbatore, Tinnevelly, Madura, South Canara, Oossoor, and Sydapet. The results were reported on in 1867 and 1868, and are as follow:—

In Trichinopoly no record remained of what had been done with the seed, except that about three dozen had been made over to one of the residents and sown by him. They germinated, but soon died off or were eaten by insects. Five were still alive in 1867, but in a bad way, and no further record of these exists.

In Bellary the seed was distributed to the Tahsildars and to a European gentleman. The result was a failure. The seed either did not germinate, or the seedlings soon died off.

In Coimbatore and Nellore the seed was given to ryots, and none of it germinated.

In Tinnevelly and Cuddapah none of the seed germinated.

In Madura the seed either did not germinate, or the seedlings died off at once.

In North Arcot sixteen healthy young plants were obtained. Of these six were lost "from the attacks of white-ants and other mischances." The remainder looked healthy and vigorous, and had attained six feet in height in December 1868. These trees were then in the Government Garden at Chittoor, and had been seen a month previously by Dr. Cleghorn, who "thought very highly" of them. No further record of these is to be found in the papers.

In Kurnool the seed was sown by an officer, and the seedlings were coming on well, when he was suddenly ordered to Abyssinia, and forgot in the hurry of leaving to recommend them to somebody's care. The result, of course, was that they came to grief. Two were still alive when the officer returned, although they had been completely neglected. He was confident that the seedlings would have thriven if ordinary care had been given to them, and that they would succeed in that district.

In South Canara (Mangalore) the seedlings soon died off, "being apparently unable to penetrate the hard laterite soil."

In Salem (Oossoor) only one seed germinated, and that soon died off.

15. Of the other experiments there appears to be no record. The most recent papers on the subject inform us that—

- (1.) There are ten young trees on the Palneys raised from Italian seed, but the elevation at which they are growing (6,000 and 7,000 feet) is against their success.
- (2.) In North Arcot an experiment conducted by the Collector failed, the seedlings dying off.
- (3.) At Aska, in Ganjam, Mr. Minchin, the owner of a sugar factory and distillery, has sown some seed in his garden, with apparent success so far.
- (4.) There are upwards of two dozen plants in the Government Gardens at Burliar, on the Nilgiris, "all of which are healthy and making vigorous growth." Some of these are nearly four feet high. There are also twenty-seven small plants in the coffee estate of Colonel Scott, at Thymullay, on the southern slopes of the hills. Some of these on the upper part of the estate are not very vigorous, and being at too great an altitude their ultimate success is doubtful. The others lower down are reported very healthy. The Superintendent of the Botanical Gardens thinks the tree could be grown in the coffee districts of Wynnaad and Mysore.

No experiments seem to have been tried in any of the other districts from which reports have been furnished by the forest officers. One of these officers (a Deputy Conservator) says: "I am unable to identify the tree by the botanical name given [*Ceratonia siliqua*]. Neither Drury's nor Balfour's works contain the name, so far as I can observe, and these are the only books of reference in this Office." (The tree is

noticed in Balfour's Cyclopædia, 2nd Ed., Vol. I., page 111.)

16. In the Central Provinces an experiment appears to have been made by the Deputy Commissioner of Narsinghpur in 1873 with seed supplied to him by the Agricultural and Horticultural Society of India which the Society had received from Mr. Ricketts. From this seed seventeen plants were raised, but not more than three survived, the others having been destroyed by white-ants, "which are very numerous and destructive at Narsinghpur." The survivors are healthy and likely to prosper. One is six and the two others more than four feet high. The Deputy Commissioner believes that the tree would grow freely in that district, and that the experiment would have been completely successful, but for the white-ants. No experiments appear to have been tried elsewhere in the Central Provinces.

17. In Bengal the experiment appears to have been repeated two or three times. In September 1873 Mr. Ricketts presented the Agricultural and Horticultural Society with some seed, but what came of it, except that some was sent to the Deputy Commissioner of Narsinghpur in the Central Provinces, does not appear.

In March of the present year Mr. Ricketts presented the Society with thirty seedlings of the tree. These, I have ascertained, are in the garden of the Society at Alipore in a more or less unhealthy condition.

The tree will probably not succeed in the water-logged soil of the Lower Provinces of Bengal, and it would be well if these plants could be transferred to the North-Western Provinces.

Dr. King, Superintendent of the Botanical Gardens, reports, in reply to a reference made to the Government of Bengal, that "private attempts are said to have been made to introduce the tree in this province. There is at present one small tree in this garden, and within the past year I have sown a good many seeds. The tree is of slow growth, so that it will be years before any result can be got from these. I do not, however, think it likely that the Carob will thrive in the Gangetic delta, of which the climate and soil are so totally different from those of the countries where the Carob flourishes." And he mentions Oudh, the Punjab, and the North-Western Provinces as much more likely to suit the Carob than Bengal.

18. In Oudh the tree seems to have done remarkably well at Lucknow. In his report for 1871-72, Dr. Bonavia stated that he had an avenue of 33 of these trees raised from seed imported many years ago. Some of them were 18 and 20 feet high, and in very healthy con-

dition. Eleven fruited during the year, and again more abundantly during the following year. Dr. Bonavia tried to propagate the tree by layers, but found, as has been found by everybody, that the only efficacious mode of propagation is to raise it from seed. In his report for 1873-74, Dr. Bonavia records that the tree stands frost better than was supposed. On the morning of the 8th January, when the minimum thermometer on the grass indicated 5° 3' below the freezing point, and vast damage had been done to other plants, not a leaf of the Carob trees was touched by the frost.

19. On the 20th October last, Her Majesty's Secretary of State for India was asked to obtain from Southern Italy and send out to this country one hundred pounds of fresh seed. This seed is intended for the Government of the North-Western Provinces, which proposes to grow the tree in Kunnaun. It seems doubtful, however, whether the tree has a fair chance of success there, and it may be advisable to consider now what had best be done with the seed when it comes. I would venture to suggest that some should be sown in various parts of the North-West and Panjab, the Central Provinces, and Madras. In this last province the failure of the experiments already made undoubtedly resulted from carelessness and ignorance. No seed given to Tahsildars and cultivators anywhere has the least chance of success. Over and over again it has been demonstrated that seed entrusted to "intelligent ryots" might just as well have been thrown into the sea. It is unnecessary to discuss the reason of this result; it is sufficient for the present to say that the result is almost invariably the same. I would venture to suggest that no seed should be distributed to anybody, European or Native, but that it should all be sown carefully in pots in some central spot or spots under careful professional supervision, and that the seedlings should be distributed in due time when properly established. This course would, no doubt, be at first more expensive than that which has been hitherto adopted, but ultimately it would, I believe, be found more economical. The seed might be sown at Lahore, Allahabad, Saharunpore, Nagpore, and Burliar (the Government Gardens), and the seedlings be distributed thence from time to time. I would also suggest that good use might be made of the agency of station masters on the lines of railway, both State and guaranteed. The country all along the North-Eastern extension of the Madras Railway, from Madras to Raichore, seems well adapted for the growth of the Carob, and much in want of a tree of the kind. It is a dry, stony country where water is scarce, and is mostly only to be had from tanks (which are chiefly natural hollows embanked at the lowest end). In this tract failure more or less complete of the crops is of

not unfrequent occurrence, and the cattle are the first and principal sufferers. Groves of trees here which would provide them and their owners with food in times of scarcity would be a great blessing. If the seedlings were planted about the stations, where there is always sufficient water, and where they would be subject to frequent inspection by officers of the district and of the Railway passing to and fro, they would be much more favorably situated than if planted in some out-of-the-way taluk where they would languish, neglected, and out of sight. Some little inducement to station masters, of the nature of that which has resulted in the embellishment of the stations of the Great Indian Peninsular Railway, would probably ensure uninterrupted attention from the station authorities. In such places, too, forming points of resort for Natives from all parts of the district a general acquaintance with the qualities of the tree would soon be formed and spread through the country.

These remarks may also be held to apply to the State lines of Railway in the Punjab, the North-Western Provinces, and Rajputana, which afford even greater opportunities for success in this undertaking. Canal and Forest officers also might be entrusted with seedlings, and held personally responsible that due care is given to them.

(Signed) J. E. O'CONNOR.

SIMLA, 10th April 1876.

*Instructions for the Cultivation of the Carob Tree.*

The tree grows readily from seed, which should be well soaked before sowing. It is fit to sow when it shows by swelling that it has imbibed the water. Soaking may sometimes continue for a month or even more before the seed swells, but fresh seed will not want soaking for more than ten or twelve hours.

2. Cuttings and layers should not be attempted. It is difficult, if not impossible, to get them to strike.

3. To ensure germination, sow the seed in pots and transplant when the seedlings are a month or two months old. The best time for putting out the seedlings is just before the setting in of the rains. The seed will probably not all come up together: sometimes germination is much delayed.

4. Cattle, sheep, and goats must be kept away from the plants, the leaves of which they eat greedily.

5. Manuring and trenching help the plant the first year; afterwards no particular care is

required. The bushy branches thrown out near the roots should be removed: the tree will then develop at top.

6. Saline soil and saline well water must be avoided: they kill the young plant. Use canal or river water, and soil not impregnated with reh, and avoid marshy or water-logged soil. The tree will thrive in almost any soil but these, but it particularly likes a dry soil, with a limestone formation. Tracts where kunkar occurs would suit it well.

7. Heat and sun it will bear to any extent, and in hardly any part of the plains is the cold at any time sufficient to affect it materially.

8. The flowers being dioecious, i.e., the male and female flowers growing on distinct plants, it is useless to grow solitary trees, or to grow them in lines, for then fertilisation (which is effected by the pollen disseminated by the wind and by insects) becomes difficult or impossible, and the tree will either fruit badly, or not at all.

9. Plant in close clumps, fenced to keep out cattle. Circular clumps are cheapest, as requiring least fencing. A circular plot with a radius of fifteen yards will hold 44 trees, allowing a square of four yards (16 square yards) to each tree. A circular plot with a radius of thirty yards will hold 176 trees, and this number will form a clump quite as large as it is necessary or useful to sow in the first instance. Care should be taken to space out the trees properly so that each may have room for development.

Order thereon, 10th July 1876, No. 928.

Communicated, with copies of the enclosures, to the Board of Revenue and Conservator of Forests.

2. The Board will arrange for the distribution of these papers to the officers indicated in paragraph 1 of the letter above recorded, and they will at the same time direct the special attention of those officers to paragraph 2 of the same letter.

(True Extract.)

(Signed) D. F. CARMICHAEL,  
Secretary to Government.

## MISCELLANEOUS.

## SORGHO.

SORGHO (*Sorghum Saccharatum*) or northern Chinese Sugar-cane is a forage plant adapted for both dry and wet cultivation. Its giant growth and its beautiful and graceful appearance and refreshing greenness in the driest season, and the expectation of finding in it a rival to sugar-beet, induced the French Consul at Shanghai to send some sorgho seed to his Government. In 1854 Mr. Browne, Agent of the United States Patent Office, took to America some French seed, which was distributed by the Government. The plant was cultivated by a few farmers, but it received little attention until an ex-Governor of South Carolina reported the results of his trials to a farmer's club, which brought sorgho into notice. Since 1855 its cultivation has steadily increased, and it has now taken its place among the great crops of the country. It is grown in France and Algeria for alcohol chiefly, and in America for seed, forage, sugar, syrup, alcohol, vinegar, and beer. In the ten North-Western States, where it flourishes, there were in 1864, 366,670 acres of sorgho, and sorgho sugar was selling at Chicago at  $4\frac{1}{2}$ d. per lb. But for sugar sorgho has turned out a failure. Its great merit as a forage plant is its principal recommendation, and in this point an official report of the United States' Agricultural Department has declared that the value of sorgho for feeding stock cannot be surpassed by any other crop as a greater amount of nutritious fodder can be obtained by it in a shorter time within a given space and more cheaply. While grass yields a ton or a ton and a half of hay, sorgho will yield from two tons to nine tons of dry fodder. Sorgho (Lootsoh) flourishes wherever Indian corn flourishes. The seed is sown for transplanting on warm ground, finely broken in the middle of April. The young plants are watered with liquid manure as soon as they appear, and for three or four days watering is repeated night and morning, if the weather is dry. They are pricked out, when six inches high in rows three feet wide, and six inches from plant to plant, and are again watered with liquid manure when a foot high. Weeds are kept down by hoeing until the cane matures, about November.

The crop begins to come to market, however, early in September, or as soon as the stalks are sufficiently sweet for chewing. A Chinese laborer earning 10d. a day can cultivate about two acres during the six months that the crop needs his labor.

In America it is found that sorgho can be successfully grown on all lands where a fair crop of Indian corn can be grown. Deep loose

warm soil, even of poor quality, produces the sweetest and most juicy stalks. Irrigation is recommended, but can seldom be attained in the United States. In deep black loam sorgho reaches a height of sixteen feet or eighteen feet, what will it not do on our future sewage farms? The juice of the giant growth is not so sweet, nor is it easily crystallized. The seed should be soaked twenty-four hours in tepid water, in which one ounce of saltpetre is dissolved to every six gallons. It is then dusted with gypsum and drilled two feet apart and twenty seeds per foot (for forage). In seven or eight days a horse sub-soil plough is put between the rows up one side. The land should be ploughed well and deeply manured liberally, say from six to seven tons of farmyard manure per acre, and if saltpetre is procurable and cheap, it should be added at the rate of 100 lbs. per acre. This manure should be ploughed in crosswise to the first ploughing, harrowed and levelled, the seed should then be sown in drills twenty-six inches apart, and 20 seeds per foot. In seven or eight days a bullock hoe or cultivator should be put between the rows up one side and down the other, or the rows hoed by hand. The process should be repeated as the crop advances, but in no case should the plant stems be earthed up, as they send out roots above ground, which must be left exposed. The first cutting should be made just before the canes show signs of flowering; the plants will send out side shoots two or three at a time for successive cuttings, affording a supply of excellent green fodder, extending over a period of six or eight weeks. If the crop is to be used for dry fodder, the canes, when cut, should be set in shocks, and the shocks built with precautions for ventilation. If the crop is required for seed only, the leader of the canes should be left to flower and mature its seed, while all the side shoots may be cut for fodder.

Under this system of dry cultivation and high farming at Hanasurn near Mysore, a plot of 1,296 square yards of very rich land which had long been under cultivation, and was heavily manured beforehand, produced 12,657 $\frac{1}{4}$  lbs. of fodder and 1,498 $\frac{1}{2}$  lbs. of seed, equivalent to 21 tons 1 cwt. 1 qr. and 10 lbs. of fodder per acre, and 2 tons 9 cwts. 3 qrs. and 5 lbs. seed. This very large out-turn is attributed to the extreme richness of the land, a favorable season, and high farming. Again, in the Toomkoor District, in the rich black soil of Gubbi, where sorgho was tried, the canes attained the height of 18 feet, and a very heavy crop of fodder was cut. Unfortunately the weight per acre was not recorded. On the average light soil of Bangalore, with a moderate supply of manure, upwards of 10 tons of fodder were cut per acre. Even this last mentioned crop far surpasses the out-turn of any grass grown in the province, and is superior to the average out-turn of an acre of the country jowar or cholom.

So much for the results of high farming ; no doubt in favorable seasons a fairly remunerative crop might be raised even under the Native system of light ploughing, scanty manuring, and careless weeding. The seed could be sown with the Sudiki (see Buchanan's Mysore, page 261, plate XI) or country pulse drill ; three of these pulse drills tied to the Native harrow and served by three men would do for the sowing process, followed in due course after a fortnight by the country bullock hoe.

There are a great many kinds of so-called sorgho (the two real sorts are the Imphee or red seed already known in parts of India and the black seed of North China), the last mentioned containing most saccharine matter. As the several kinds hybridise freely, they should be grown separately, never near each other ; when the seed is formed, the crop must be watched and birds scared ; parrots are particularly fond of the seed, and destroy immense quantities if left undisturbed.

The superior merits of the *sorghum saccharatum* over other grasses consist in (1) the heaviness of its crop, (2) the rapidity of its growth, (3) its abundance in saccharine matter, (4) its power of standing heat and drought, and its susceptibility of production nearly all the year round, especially in the dry and hot months, when every kind of grass is burnt up ; and lastly its extreme remunerativeness as a crop under high farming.

From enquiries made by the Government of Bengal, the Agricultural and Horticultural Society of India stated that no reliable information had come before that Society in regard to trials made in India with the so-called "Northern Chinese sugarcane," "sorgo" [*Sorghum (Holcus) saccharatum*.]

The well-known "jowar" or jameera of Upper India is the produce of *Sorghum vulgare* (Pers.) It is known in the Madras Presidency under the name of "cholum." The produce of "jowar" in good soil is often upwards of a hundred-fold, and much used for food (Rox. 6). The straw known by the name of "kurbee" is reckoned very nourishing for cattle, and is a substitute for forage for horses when grass is not obtainable. The "deodhan" of Lower India (*andropogon saccharatum*, Rox 6.) is also much cultivated during the rainy and cold seasons. This would appear to be closely allied to the *holcus saccharatus* of Linnaeus. Roxburgh remarks that the only circumstance that renders him uncertain whether it is the same plant, is the total want of the arista in the hermaphrodite flowers : in other respects they agree.

As such closely allied plants as "jowar" and "deodhan" are indigenous to India, and give a fair yield under ordinary cultivation, it is not

improbable that the "Chinese sugarcane" (if we do not already possess it) might prove an acceptable addition to our other forage crops ; and with good management would probably repay cultivation, both in yield of grain and stalk. As a saccharine producer, however, it could not compete successfully with the ordinary sugarcane of the country.

Mr. Scott, the Curator of the Royal Botanical Gardens, writes :—

"With reference to the variety called the sorgo—lootah of the Chinese—I had seeds from China in 1868, and devoted a plot to them in the gardens here. The seeds were sown towards the close of the rains ; they germinated freely, attained a height of from six to eight feet, and matured their seeds about the end of January. In a plot alongside of these grew the jowars and deodhan of Bengal, with their presumed normal form *Sorghum halepense* Pers. ; (the *Andropogon cernuus* of Roxburgh) ; and, certainly, in so far as mere cropping was concerned, any of the latter were superior to the lootah of the Chinese, this being decidedly less robust than any of the former. No doubt this may be largely attributable to the changed conditions under which it was grown, and a more robust progeny may naturally be expected from country-grown seed. Admitting this, however, and remembering that we are dealing with mere varieties of one variable species, the question naturally occurs —will this lootah (if really a superior fodder grass as compared with its indigenous Begal kin) retain its highly nutritious characteristics, under the acclimative process ; or is it not more likely that it will thereby lose its presumed superiority ? Practical experiments can of course alone determine this ; but in such a question as the introduction of new forage plants, it is well to draw attention to indigenes, when such they are, so closely akin."

About two years later, that is, in April 1873, Dr. Henderson, then officiating as superintendent of the Royal Botanical Gardens, reported the result of further experiments made with this plant.

On a plot of ground in the garden measuring 1,680 square yards (or 80 square yards more than one-third of an acre), two pounds weight of seed were sown on 17th July 1872, and yielded the following amount of green fodder :—

	lbs.
13th August ...	1,040
14th      "	1,040
1st crop. { 17th      "	1,600
18th      "	1,640
30th September ...	480
Total ...	5,800 1st crop

	lbs.
2nd crop. { 19th October	... 2,880
" 23rd     ,,	... 800
Total     ...	3,680 2nd crop.

Or a total amount of fodder of about 4 tons 4 cwt. exclusive of some plants left for seed, or roughly 12 tons to the acre. Almost no manure was given, for the crop in December looked very poor. Another experiment with seed produced in the garden has been undertaken with what results is not known, Dr. Henderson wrote.

"I find in the Journal of the Agricultural and Horticultural Society for 1871, Vol. III, part 1, new series page 31, a memorandum regarding this plant by Mr. John Scott, Curator of this garden. I believe it has been repeatedly tried for very many years in various parts of India, and the reason why it has not yet established itself is probably because it requires a very large quantity of manure as well as plenty of water. Many years ago I made experiments with it in the Punjab in every variety of soil, and found that it could be successfully grown almost anywhere, and if well manured and liberally watered, it yielded a very large quantity of excellent fodder, considerably more I think than any other fodder plant with which I am acquainted, and could be cut five or six times during the summer. I also tried to extract sugar from the juice and made some fair samples which, as far as I recollect, had this peculiarity that neither flies nor ants would touch it.

On questioning the native gardeners here as to the quality of the fodder, I was told that it is so injurious to cattle that no one would take it as a gift, and that cattle would hardly eat it. It appears that the crop grown here last summer was offered to the villagers about, but they, seeing such fine fodder offered gratis were naturally suspicious of it, and would have nothing to do with it. So the next batch was sent to the Commissariat, but the Commissariat Sergeant learning that the villagers refused it, declined to let any experiments be made on the Government cattle. I need not say that there is no foundation whatever for this idea that the plant is injurious to cattle. I know as a fact that cattle are fond of it and thrive on it, and the bullocks in this garden are now eating it without any bad effects. I saw fields of the *sorghum saccharatum* in Eastern Turkistan near the city of Yarkand where it was growing to ten feet in height.

My opinion of the plant is that it is one of the very best that can be grown for fodder where plenty of manure and water can be given. The crop is no doubt rather an exhausting one, and

it would just be the thing to grow where sewage irrigation can be obtained, and in saline, or reh soils, if it could once be got to germinate after flooding or draining the land sufficiently, I believe it would take up the excess of saline matter faster than almost any other crop."

In the Monghyr District, some seed received in May 1873 was sown at once, both in the Government garden and in the garden attached to the jail. Though offered free of charge, no applications were made for the seed, which seemed to be already known as the *gahuma jenara* otherwise *chothi jenara* or markatia, which is credited with the undesirable property of exhausting the soil, while yielding an inferior kind of coarse grain unsuitable for food except for the very poorest people. Nor is it held in high estimation as fodder—being supposed to be too nutritious.

The plants sown in the Government and Jail gardens ripened and attained a height of seventeen feet. Bundles of it were exhibited at the *culcherries*, and half-starved cattle allowed to make meals of it. Although the gigantic growth of the plant caused some surprise among the people, hardly any applications were made for seed which all new was for distribution gratis. Colonel Murray, the manager of the Government garden, had been offered only Rupees 6 for the crop standing on a beegah of land; and although he offered bundles of the plant at two annas each, Mr. Dear was the only purchaser. One bundle, when weighed, was found to be 1 maund 15 seers, whereas a bundle of weeds and grass exposed for sale for two annas weighed 20 seers only. The land on which this crop is grown was worth Rupees 5 per beegah, and the cost of cultivation amounted to at least 5 Rupees more, so that *sorgho* could hardly be called a profitable crop. It appeared, however, that the seed was sown at the wrong time of the year to be a success. During the rains a large supply of grass and weeds is obtained from the land on which the *bhadoi* crop stands, and cowherds can obtain a fare supply of grass merely for the trouble of cutting it. In the cold and hot weather, however, a good crop of sorgho would command a better price than at other seasons, but even then the cattle pick up coarse food on the *churs* and uncultivated hills, which abound in the district. The fact is that setting aside land merely to grow fodder for cattle is an arrangement which does not at all coincide with the views of native cow-keepers; they laugh at the idea of growing crops merely for cattle to eat, and they ignore the fact that their cattle form a puny, half-starved race, more fitted for the knacker's yard than to yield a supply of milk and butter. There is no doubt that the sorgho plant cannot be compared to sugarcane, so far as yielding sugar is concerned; and it is never likely to be preferred to other kinds of grain as food for man.

It is only as fodder for cattle that it can be recommended ; and even as fodder, if allowed to ripen, the canes, although carrying weight, look very dry, woody, and indigestible.

When about half grown, however, this plant has much to recommend it as fodder. Any scheme which might tend to the improvement of Indian cattle should receive full encouragement. Properly cared-for cattle in this country would probably rival the best breeds in England, for so far as we know India is the original home of the cow, which is descended from the wild *gaur*, the largest of all horned cattle. As it is, although the cow is looked upon as a deity by the Hindoos, in no other country does it uniformly receive such bad treatment as in India.—*The Indian Agriculturist*, Vol. I, p. 222.

### PROSPECTUS OF THE MADRAS AGRICULTURAL COLLEGE.

#### OBJECTS.

THIS institution is designed to afford instruction in the science of agriculture and in the practical application of sound principles in conducting the ordinary agriculture of this country.

#### THE FARM, &c.

The farm is conducted as an experimental farm ; its area is about 280 acres, and it is well provided with suitable buildings.

The educational buildings needed will be erected on the farm on land situated in close proximity to the village of Sydapel, in which village students will readily obtain lodgings, board, &c., during their course of training.

In the farm workshops all kinds of agricultural implements and tools suited for use in India are manufactured and repaired.

An Agricultural Library is now in the course of formation, and it is in contemplation to provide a Reading-room for the use of students.

A Veterinary Hospital, a Chemical Laboratory, and an Agricultural Museum will also be established as funds are forthcoming.

#### MANAGEMENT, &c.

The institution will be attached to the Educational Department under the general control of the Director of Public Instruction, acting in communication with the Board of Revenue. The direct management of the institution will be entrusted to the Superintendent of Government Farms, who will conduct all correspondence regarding the institution, will issue all notices, orders, &c., regarding the delivery of lectures and other matters connected with the routine of the institution, and will maintain discipline amongst the students who will, in all things, be subject to the orders he may issue.

#### INSTRUCTION, &c.

The course of instruction will extend over three years ; there will be two sessions in each year ; a Summer Session and a Winter Session ; the Summer Session will begin each year on the 1st of April, and will end on the 30th of June ; the Winter Session will begin on the 1st of October, and will end on the 31st of March. Though, in the Winter Session, class-room and lecture-room instruction will not begin until the 1st of October, students will, nevertheless, be expected to attend at Sydapel on the 1st of September, in order that they may witness and take part in the important field operations conducted at that season in connexion with the sowing of the cold weather-crops.

The instruction given in the institution will embrace a thorough study of Agriculture and of such portions of Chemistry, Geology, Zoology, Botany, and the Veterinary Art as bear on the theory and practice of agriculture. In addition to these special subjects, the following will also receive attention :—Farm book-keeping, land-surveying, mensuration, and drawing. The instruction will be given by means of lectures, class-room discussions, and field classes.

During the portion of the day set apart for practical instruction in farming out of doors, every student will be expected to take part in whatever work is going forward on the farm ; compliance with this regulation will be strictly enforced. Each student will be expected to make himself acquainted with all the operations daily performed on the farm, and will be required to keep a journal or diary of the same.

Instruction will be conveyed in the English language, but the Masters will afford as much assistance as possible in explaining the lectures and instruction generally to students whose limited acquaintance with English may make it difficult for them to follow such instruction without explanation.

#### ADMISSION.

Europeans, Eurasians, and Natives of all classes are eligible for admission into the institution when vacancies exist, on complying with the following conditions :—

Candidates who desire to avail themselves of stipendiary studentships or scholarships must be between sixteen and twenty-four years of age, and must produce with their application for admission the following certificates :—

- (a.) Certificate of age.
- (b.) Do. of character.
- (c.) Do. of physical fitness.\*

\* Should state that the candidate has been vaccinated.

For the present no fee will be charged except in the case of students who enter only for instruction in special subjects; strict conformity with all the rules of the institution will be enforced.

Students must provide themselves with all necessary text-books, stationery, &c.

Students who have passed the Matriculation or General Test Examination will be eligible for admission without undergoing any further examination, provided they produce the certificates needed, and comply with the other conditions laid down. When there is a greater number of these candidates than there are vacancies to fill, a selection will be made of the most promising, at the discretion of the Superintendent.

When there are more vacancies to fill than there are candidates qualified, as stated in the preceding paragraph, the entrance examination will be as follows —

*English.*—Ability to write correctly and legibly from dictation and express themselves with reasonable correctness and intelligence in a letter or in a report.

*Arithmetic.*—The first four simple and compound rules, vulgar and decimal fractions.

*Vernacular.*—Tamil or Telugu (in the case of Europeans and Enrasians only); ability to translate into English easy sentences from an elementary vernacular prose work commonly used in schools.

*History.*—The leading facts of the Histories of India and England.

*Geography.*—The outlines of Geography generally and the Geography of India in particular.

The date of the examination and of future entrance examinations will be duly notified in the *Fort Saint George Gazette*.

#### STIPENDIARY STUDENTSHIPS.

Of the students who have at the close of the first session been most successful twenty-four will be selected to fill stipendiary studentships, to be established by Government, to which will be attached a monthly salary of Rupees 12-8-0 in the latter half of the first year, Rupees 15 per mensem in the second year, and Rupees 17-8-0 per mensem in the third year under the following conditions :—

No stipend will be increased until the prescribed examinations have been satisfactorily passed. The stipend will be liable to be forfeited in part or in whole for continued disobedience to orders or neglect of duty, and no

person who holds a stipendiary studentship will continue to hold it if found to be unfit to undergo further training from incapacity or want of interest. No stipend can be held for more than two and a half years, and cannot be retained unless the recipient pass for the higher grade within twelve months.

#### SCHOLARSHIPS.

Three scholarships, each of the value of Rupees 10 per mensem, and tenable for two years under certain conditions, will be given to the three students who, at the end of the first year of training, secure the largest number of marks, and who, in other respects, have given satisfaction. These scholarships are to be held under the same general conditions as are applicable to stipendiary studentships.

#### AGRICULTURAL CERTIFICATE.

At the conclusion of the course of training, each student who is found to possess the necessary knowledge, and whose conduct has been satisfactory, will be entitled to a certificate, certifying to his qualifications as an agriculturist.

#### SCHOOL-TEACHERS AND OTHERS.

Arrangements will be made under which young men, who are studying in Madras to qualify themselves as school-teachers, will be permitted to attend one or more courses of lectures and to undergo a partial training in practical agriculture at the institution, with a view to teaching this subject in middle-class and elementary schools under their charge.

#### GENERAL.

Land-owners and others may enter students at the institution under the same rules and regulations as Government Stipendiary Students, provided the stipends are paid regularly one month in advance to the Superintendent, Government Farms, by whom these stipends will be disbursed under the rules prescribed.

Persons of any age above sixteen who possess a fair knowledge of English may enter the institution to study any special subject or subjects taught therein. They will be required to pay a fee of Rupees 2 per mensem during the time their names are entered in the register of the institution.

#### CURRICULUM OF STUDY.

##### First Year.

Agriculture—Elementary.

Zoology.

Chemistry—Inorganic.

Veterinary—Animal Physiology and Anatomy.

Botany—Vegetable Physiology.

Drawing—Elementary.

Land-Surveying and Mensuration.

Second Year.	Third Year.
Agriculture—Crops and Stock.	Agriculture.
Geology—Elementary.	Geology—Agricultural.
Chemistry—Organic.	Chemistry—Agricultural.
Veterinary—Therapeutics and Materia Medica.	Veterinary—Pathology.
Botany—General.	Botany—Agricultural and Horticultural.
Drawing—Plans.	Drawing—Machines, &c.
Land-Surveying and Mensuration.	Mechanics, Farm Book-keeping, &c.

## TIME-TABLE.

*First Session only.*

<b>Monday</b> ...	6 to 7.30 A.M. ... On the Farm ...	... Practical Instruction in Agriculture.
	9 to 10 " ... Lecture ...	... Agriculture.
	10 to 11 " ... Class-room Instruction ...	... Language.*
	3 to 4 P.M. ... Do. do. ...	... Mensuration.
	4 to 5 " ... Lecture ...	... Zoology.
	5 to 6 " ... Field Class ...	... Agriculture.
<b>Tuesday</b> ...	6 to 7.30 A.M. ... On the Farm ...	... Practical Instruction in Agriculture.
	9 to 10 " ... Lecture ...	... Veterinary.
	10 to 11 " ... Class-room Instruction ...	... Language.*
	3 to 4 P.M. ... Do. do. ...	... Drawing.
	4 to 5 " ... Lecture ...	... Botany.
	5 to 6 " ... Field Class ...	... Do.
<b>Wednesday</b> ...	6 to 7.30 A.M. ... On the Farm ...	... Practical Instruction in Agriculture.
	9 to 10 " ... Lecture ...	... Chemistry.
	10 to 11 " ... Class-room Instruction ...	... Language.*
	3 to 4 P.M. ... Do. do. ...	... Mensuration.
	4 to 5 } " ... Field Class ...	... Land-Surveying.
	5 to 6 } " ...	
<b>Thursday</b> ...	6 to 7.30 A.M. ... On the Farm ...	... Practical Instruction in Agriculture.
	9 to 10 " ... Lecture ...	... Agriculture.
	10 to 11 " ... Class-room Instruction ...	... Language.*
	3 to 4 P.M. ... Do. do. ...	... Drawing.
	4 to 5 " ... Lecture ...	... Veterinary.
	5 to 6 " ... Field Class ...	... Do.
<b>Friday</b> ...	6 to 7.30 A.M. ... On the Farm ...	... Practical Instruction in Agriculture.
	9 to 10 " ... Lecture ...	... Botany.
	10 to 11 " ... Class-room Instruction ...	... Language.*
	3 to 5 P.M. ... Laboratory Class.	
	5 to 6 " ... Lecture ...	... Chemistry.
	6 to 7.30 A.M. ... On the Farm ...	... Practical Instruction in Agriculture.
<b>Saturday</b> ...	8 to 9 " ... Weekly Examination ...	... Each subject of lectures in rotation.

For "Candidates' Application Forms" apply to the Superintendent of Government Farms, Madras.

\* This will be a subject of study only in the event of it being necessary to admit into the College young men who have not passed the Matriculation or General Test Examination.

TEXT-BOOKS TO BE USED IN THE AGRICULTURAL COLLEGE.

Subject.	Title and Author's Name.
AGRICULTURE...	Agricultural Class Book, by W. R. Robertson, M.R.A.C.
CHEMISTRY ...	Lessons in Elementary Chemistry, by Professor Roscoe, B.A., F.R.S.
Do. ...	Laboratory Guide, by Professor Church, M.A.
VETERINARY ...	Physiology of the Animals of the Farm, by Professor Hodges, M.D., F.R.S.
BOTANY ...	First Book of Indian Botany, by Professor Oliver, F.R.S., F.L.S.
ZOOLOGY ...	Rudiments of Zoology, by R. Chambers, LL.D.
LAND SURVEYING AND MEASUREMENT ...	Principles of Geometry and Mensuration, by Thomas Tate.
DRAWING ...	First and Second Book of Drawing, by Chambers.
BOOK-KEEPING...	Manual of Book-keeping, by J. Constable, M.A.

LECTUREES.

AGRICULTURE...	William R. Robertson, M.R.A.C., Superintendent, Government Farms.
VETERINARY ...	George Western, M.R.C.V.S., Veterinary Surgeon to the Body Guard of His Grace the Governor.
ZOOLOGY ...	James Keess, M.D., &c., Professor of Anatomy, Madras Medical College.
CHEMISTRY ...	W. Hamilton, Assistant Professor of Chemistry, Madras Medical College.
BOTANY ...	R. Wilkins, F.R.C.S., Assistant Professor of Botany, Madras Medical College.
GEOLOGY ...	

FIELD EXPERIMENTS AND PRACTICAL AGRICULTURE.	Charles Benson, M.R.A.C., Assistant Superintendent, Government Farms.

MASTERS.

DRAWING AND BOOK-KEEPING.	
LAND SURVEYING AND MEASUREMENT.	

THE BRITISH ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE.

GLASGOW, September 7.

The President (Sir George Campbell) opened the proceedings by reading his address, of which the following is an abridgment; in the Economic Science Section:—

"I understand it to be the object of the Association that in the treatment of the subjects presented to us we should study in this, as in other Departments, to follow as far as may be a strictly scientific method of inquiry, not lapsing into the discussion of political details, but attempting to ascertain the principles on which economic results are founded and to define the main lines of economic truth. At first sight statistics expressed in figures might seem to constitute the most exact of sciences, but in practice it is far otherwise. In nothing is so great caution necessary. There is too great temptation to reduce to figures facts which are themselves not sufficiently ascertained. Too often an exactness is claimed for these figures; results which are altogether fallacious and misleading. It is especially necessary to distinguish between figures which are really ascertained and those which are merely drawn by deductions from rough and conjectural facts. A false appearance of exactness should not be given to these latter. There can be little doubt that statistical science is one of the most important institutions and necessities of our time; especially in this country, in which we are somewhat deficient in that science. First, we require statistics for the direct ascertainment of facts for practical use—for instance, the statistics of production—agricultural and manufacturing statistics—are of the greatest practical importance to the farmer and the manufacturer. But there is a second and almost more important use of statistics—viz., the cultivation of economical science by the inductive method. It is by collecting, verifying, and classifying facts that we are able to approach economic truth. In proportion as we attain that knowledge we become acquainted with the main agent in economic science, and make advances towards a knowledge of that science. When we seek to understand economic history, the economic institutions, it is seldom that all the necessary materials are ready to hand in our own country and our own age; we must search for them far and wide. We may observe facts and may obtain statistics in countries which are in stages of human and economic history very different from our own. We of this country, who rule over so many lands in so many parts of the world, have special opportunities for this kind of economic study. In my own experience I have been particularly struck by the light thrown on our institutions by a comparison with those lately and now existing among the

different peoples of India. Of the history and use of local institutions we may learn very much in India. That country was, locally speaking, one of the most self-governed countries in the world in native times. In all parts of this island, while the civic constitutions of the ancient burghs have been preserved, the self-governing institutions of the country at large have almost entirely disappeared, leaving only a few fossil remains to testify to their previous existence. On the continent of Europe the old communes retain a good deal of vitality, but it is in India under native rule that we see these institutions in full vigour and working order. That little Republic, the village community of India, has come to be looked on as an interesting old relic, rather than as the subject for modern imitation. In my opinion we may draw from it a very large store of economic knowledge which may be very useful to us. I believe that the more we introduce into India true economic science, the more it will be apparent that we have taken on ourselves too heavy a burden—that too great centralization is a mistake, and that in a country where political freedom on a large scale is impossible the only satisfactory resource is a large measure of the local government to which the people are accustomed. The tenure of land is another subject on which great light is thrown by Indian experience. After an intimate acquaintance with the tenures which we there find in existence and those which our system has created, we seem to have before us a picture of the rise and progress of property in land. Among the communities holding land we have manifest traces of the old system of partition and re-partition; we have before our eyes the gradual decrease of that old system and the gradual growth of the individual tenure of the lands under the plough, with common use of the pasture lands, the wood, and the water on a tenure strictly analogous to that of English commons, we have the struggles between the Lords and the Commoners, and questions between the Commoners and the landless members of the community just as we have had in this country; then we have the growth of English ideas of property in land; we have the overlord, the Zemindar no longer holding in feudal tenure, and receiving customary dues and services, but turned by us into a rent receiver; we have the struggle of the rent receiver influenced by our ideas to turn the privileged cultivator into a tenant pure and simple to appropriate the commons and to establish absolute property; we have the emancipation of some cultivators and copyholders the subsidence of others put unto rack-rented tenants at will, and then into labourers. All these stages in the tenure of land we have in the Indian countries where the Zemindar system has prevailed. In other parts of India where the Government has recognized the rights of and dealt with the ryots direct we

have the rapid development of small property in land in all the incidents of that form of property in which, in many parts of Europe we are familiar. The subject of small cultivation seems to derive a new interest from what is now going on in regard to the emancipated Africans in the United States of America and elsewhere. I understand that the cultivation which has already made the produce of the American cotton districts almost or quite equal to that before the war is for the most part the cultivation of small independent negro cultivators, who raise cotton on a system much the same as that under which the ryots of India or *metayers* of Italy cultivate small farms. There seems to be among the dark races of India and Africa a dislike to regular hired labour and a preference for independent labour on their own account, which makes them prefer small farming to service, at all events leads to their doing better work on their own farms. There has been, I think, a disposition to undervalue the agricultural skill of the Indian ryot, and if it should prove that in advanced America, under free institutions, the cultivation of an article of great value and high quality is best carried on by small black farmers, we may well believe that in other countries, too, great results may be obtained by the same system. The settling down to honest labour of the American freedmen is an example full of promise, I hope, for the African race throughout the world. If in all the countries where the state of black freedmen is still uncertain they can be thus settled, a great end will be achieved, and in Africa itself we may hope that in countries now torn by war and slavery a guiding hand may lead the African race to peaceful, prosperous, and happy times. Very intimately connected, too, with this question is that great and most difficult subject of pauperism. Poor Indian ryots manage to get on without poor laws, because they are prudent self-workers; the poor Irish farmers for the most part do the same. In most European countries there are no poor laws, yet when the people of a country are reduced to the position of labourers poor laws become a necessity. It is found in practice that people living on wages do not make the same provision for themselves and their helpless relations that self-workers do. There has been a strong disposition to meet this tendency by a more severe administration of the poor laws by driving poor people into the workhouse. I confess that I doubt the efficacy of this system. At any rate, I think it may be carried too far, and I was glad to hear Mr. Walter, of *The Times*, make a manly stand against it in his place in the House of Commons. At the same time, I admit that there are two sides to the question. It is for us to treat the matter scientifically and to consider the principles on which poor relief is founded. The Scotch are a logical people, and they are inclined to take the view that payments to the poor rates are a

kind of insurance. They pay rates when they are well to do, and they think they are well entitled to pensions from the rates when they are disabled. Is this view a correct one, or, if not, what is the real principle of poor-rates and poor relief? I think that these are questions which must be answered by those who would take a severe view of the relief system. I am inclined to doubt whether English *doctrinaires* or Central Boards can much improve on our careful and prudent system of out-door relief administered by local bodies who thoroughly know their own people. He would be a bold man, indeed, who would prophesy the value of silver, and compared with gold a few years hence. I shall certainly not attempt to do so. There are countries, China especially, of which we know very little; and I apprehend that the course of the silver market will very greatly depend on the action of the States of the Latin Union and the United States of America. The disposition of the Government of India seems to be to adopt a waiting policy, and there are not sufficient *data* to enable any one to pronounce with confidence that this course is wrong. "When in doubt what to do, try how it will answer to do nothing," is a maxim of much value. The only plan to which personally I have a little inclined is to put more silver into the rupee, and that would not be safe till we are sure that the change in the relative value of the precious metals is permanent. On one point only in connection with this subject I should like to say something further. The belief has been expressed, and the Silver-Committee has accepted the suggestion, that India is likely to absorb an increased and increasing quantity of silver for currency purposes. This I greatly doubt. It is said in many parts of India that silver is yet little known for purposes of exchange, most transactions being conducted by the primitive method of barter. This, I think, quite a mistake. I have as wide an experience of India as most men, and I know no part of India where traffic is by barter for want or ignorance of coin, except the most remote Hill regions of the most savage and unexplored aboriginal tribes which are yet hardly known even geographically. The Hindoos are a very old people; they used coin freely when we had none, and they have not forgotten the use of it. I should say that the special feature of their transaction is the use of a great deal of coin in cases where we should use notes, checks, or bills, and my impression is the opposite of that which has been suggested. When I first went to India very large quantities of coin were hoarded. Every prosperous native Prince who managed his finances well according to native ideas hoarded very large sums in coin. On the occasion of successions, minorities, and otherwise, we ascertained the reality of these hoards, and the weight and power of a prince or noble was estimated by his store of treasure. So in

grades below there was much disposition to put by stores of rupees, and the prosperous peasant, like the Frenchman, either buried rupees in his hut or made them into ornaments for his family—a little capital to be converted into cash when necessity arose. Till very recently paper money was wholly unknown, and, even yet it is used only to a very minute degree compared with its use in European countries. Now that the country is more opened up every day, that there is confidence in British peace, that new channels of enterprise, new wants and ideas are developed, I believe that the habit of hoarding coin diminishes, and that native Princes and nobles spend their money in many new ways. When they accumulate they lend it to the British Government to make railways in their territories or undertake enterprises of their own or put it in "Government paper;" smaller people travel by railway, enter into speculations, and utilize their money instead of hoarding it. In one direction, as people become richer, the ornaments on their wives and children may become more valuable; but in another direction there is less hoarding of capital in this form. In a country where the coin of legal tender is so bulky as silver, there is much greater occasion to use paper money freely than where the currency is gold. I see not why, as confidence in our notes increases, they may not come to be used 10 or 20 or 50 times as much as at present—why notes for large sums and silver for smaller sums should not constitute the currency for transactions for which copper suffices. If the tendency of things should be at all in the direction which I have indicated, it would follow that while we might understand the absorption of a vast amount of silver in the past century, we might also suppose that the tendency thus to absorb that metal would continue. As education fits a man for his duty in the scheme of economy, so dissipation of various kinds unfits him, and we can hardly exclude from economic science the effect of the abuse of stimulants—I was going to say use and abuse, but I think it may be doubtful whether there is any real use for stimulants at all. In dealing with the matter scientifically it seems very necessary to inquire how far the appetite for various stimulants is connected with questions of race and climate, and what is the comparative effect of pure stimulants and those which have a narcotic element. I have been led into the suggestion that these things are very much a matter of race by observation of the very singular way in which in Asia the populations are divided into those who use opium and those who use alcohol,

according to race, even in countries where the facilities for obtaining the one or the other are precisely similar. In the east of India I found that the consumption of opium in the various districts was just in proportion as a Turanian or Chinese element prevailed in the population. From so fertile sources of crime as drink and other stimulants one not unnaturally passes to justice and the repression of crime as essential to economic safety and prosperity. No one who has experienced the vast relief obtained by the change from a crude and undigested state of the law to the use of codes can doubt the immense advantages of codification. It is very greatly to be regretted that so little progress in that direction has been made in this country. Not only would there be the great direct gain, but there would be this enormous advantage—that in a codified shape the laws of the three kingdoms might be assimilated. The very great juridical advantages which we possess in many respects in Scotland would be communicated to the sister kingdoms, and, on the other hand, we should obtain in Scotland some modern reforms which we need, we should get rid of that shocking anomaly and hindrance to business—the necessity of passing in the same Legislature separate laws for England and Scotland, only because there is a difference in the legal phraseology and some of the details. I have been much struck by the extreme ignorance which prevails in England regarding our Scotch criminal system. The world is ransacked, for example, in regard to such questions, for instance, as the examination of the accused, and yet there is not one well educated man in England in a thousand who knows that in his own island, at his own door, there is a system of criminal procedure most radically different from his own, and, as I venture to think, very worthy of English imitation. Who in England has the least idea of the wholesome Scotch system under which the first inquiry includes the examination of the prisoner before lawyers are permitted to see him, and the record for judicial use of the statements which he makes? After judicial inquiry comes punishment, and here I am inclined to believe that the civilized world is very much

at fault. I think there is still immense room for scientific discussion on the subject of punishment. There are some great subjects, such as sanitation and punishments in respect of which I believe that the experts claim a certainty and a knowledge which has not yet been attained. On the contrary, I think there is still everything to be gained by inquiry and experiment, conducted without prejudice or preconceived conclusions. The mere shutting up a man in prison without severe treatment is by no means a sufficient deterrent to all natures, and when we seek to be severe we clash with modern notions of humanity. In one shape, indeed, there seems to be a disposition to revert to a form of torture—that is, by flogging; yet after a great experience I am myself much convinced that of all forms of corporal punishment flogging is the most uncertain, ineffective, and dangerous. In a light and simple form it is good for juvenile delinquents, whose offences are petty and whom we would not contaminate by a first imprisonment, and flogging is to some natures a material addition to other punishments; but as soon as we try to carry it beyond this we are placed in this dilemma—that a flogging which is safe is an insufficient punishment. A more severe flogging is a sort of lottery. Nineteen or ninety-nine men it may not harm; the twentieth or hundredth it will kill. I really believe it would be safer to cut off a finger or an ear than to attempt to deal with serious offences by flogging only. It is because I think we do not yet fully understand the science of punishment that I am myself opposed to a too uniform and centralized system of prison management. I thoroughly admit that there is much room for reform in regard to the number of our gaols and for improvement in the management of many of them, and measures to carry out these objects I would gladly see; but, doing so much, I would still both retain in this association other things, the services of the many experienced local Magistrates who in this country give so much time and attention to local business, and leave a considerable latitude for some variety of treatment and some facility of experiment in regard to the treatment of criminals.—*The Times.*

# THE REVENUE REGISTER.

No. 11.] MADRAS:—WEDNESDAY, NOVEMBER 15, 1876. [VOL. X.

## REMOVAL OF RESTRICTIONS ON THE ALIENATION OF ESTATES.

THE policy of the good old days is passing away, and free trade and the full enjoyment of the liberty of the subject are principles of Government that are taking the place of that "mild despotism" which so well suited, and for a long time to come is the only one fitted to, the character, habits, and traditional instincts of the people of this country. No other power in the world but liberal England, whose notions are simply chivalric in her relations with her subjects, would accord to the nations of this vast empire those regulations and those laws of administration which are essentially requisite for, and admirably adapted to, highly civilized European kingdoms, but are greatly in advance of the various "peoples, nations, and tongues" of wide Hindostan. There is no Collector's *nirak* now to regulate the bazaar prices of food to protect the famine-stricken masses from the unbounded rapacity of the grain-dealer. If the rains of Heaven hold off a few days, or if the showery blessings descend a little too freely, it is all the same to the native rice merchant. In the one case there is no crop at all; in the other, it has been destroyed; and up goes the tariff accordingly. What matters it to the poor starved wretch who wants food to eat,

that he has the glorious privilege of equal laws, free trade, and the full exercise of his own sweet will—take it or leave it: he wants rice at a price which he can afford; and he wants his father, the Collector, to tell the bazaarman that he must have it at that price. And it was not the poor man alone that was enfolded within the protecting arms of the paternal Cirkar; but it was the rich man as well—the cock-fighting, dancing girl loving, prodigal inheritor of a landed estate and an ancient name, who was told by the official father of both rich and poor, my son, you cannot part with a single foot of your broad acres without my express permission and sanction. Regulation XXV of 1802 was the palladium of the landlord, and the spirit of the times, tyranny and despotism, founded in benevolence, protection and fatherly jealousy and care, breathe in every line of the old enactment. The preamble, quaint and stiff in expression, though it be, is perfectly characteristic of the days when the people of this country were as happy as children under patriarchal rule. "Whereas," proclaims the old enactment, "it is known to the Zamindars, Mirasdars, Ryots, and cultivators of land in the territories subject to the Government of Fort St. George, that from the earliest until the present period of time, the public assessment of the land

revenue has never been fixed; but that, according to the practice of Asiatic Governments, the assessment of the land revenue has fluctuated without any fixed principles for the determination of the amount, and without any security to the Zemindars or other persons for the continuance of a moderate land tax; that on the contrary, frequent inquiries have been instituted by the Ruling Power, whether Hindoo or Mahomedan, for the purpose of augmenting the assessment of the land revenue; that it has been customary to regulate such augmentations by the inquiries and opinions of the local officers appointed by the Ruling Power for the time being; and that in the attainment of an increased revenue on such foundations, it has been usual for the Government to deprive the Zemindars, and to appoint persons on its own behalf to the management of the zemindaries, thereby reserving to the Ruling Power the implied right and the actual exercise of the proprietary possession of all lands whatever; and whereas it is obvious to the said zemindars, mirasdars, ryots, and cultivators of land that such a mode of administration must be injurious to the permanent prosperity of the country by obstructing the progress of agriculture, population, and wealth, and destructive of the comfort of individual persons by diminishing the security of personal freedom and of private property; Wherefore, the British Government, impressed with a deep sense of the injuries arising to the State and to its subjects from the operation of such principles, has resolved to remove from its administration so fruitful a source of uncertainty and disquietude, to grant to Zemindars and other landholders, their heirs and successors, a permanent property in their land in all time to come, and to fix for ever a moderate assessment of public revenue on such lands, the amount of which shall never be liable to be increased under any circumstances."

And then the Regulation proceeds to enact various provisions for the fixing of the assessment, the punctual payment of such assessment, and for the exchange of cultivating agreements between landlord and tenant: It is not the fashion in modern legislation to have any preamble whatever, but simply in few words and no more to enact the exact provision that is required—a decided advantage in more ways than one, but partaking rather of the caution and self-interest of the present days of non-interference.

It is not our intention now to review all the provisions of this *magna charta* of the proprietary system: we propose to confine our attention to a most salutary provision of the law enacted by Section 8, the effect of which, notwithstanding that the principle involved in it may be foreign to our notions of the liberty of the subject, has been to save many a noble estate from being broken up into petty holdings, or from passing away from the old families of the country into the hands of rapacious money-lenders or unscrupulous and crafty parasites. The section to which we refer does indeed confer such power of actual gift, transfer or other alienation on the proprietor of an estate as unmistakeably to mark complete ownership: it also directs that any such transfer of right shall be valid, and shall be respected by Courts; but it adds a catalogue of jealous provisos which hedge the concession around with a strong breastwork of protection. In the first place, the transfer or alienation must not be repugnant to Hindoo or Mahomedan law, as the case may be: it is to have no legal force or effect unless the sale, gift, transfer or alienation has been regularly registered in the Collector's Office, so that the public assessment may be fixed on the separated portions: and unless these requirements are complied with, the Zemiudar is not to be exempt from payment of any part of the public land tax assessed on

the entire zemindary previously to such transfer. This actually amounted to a recognition by the Collector of the District of the alienation. Such recognition implied his sanction ; and if, in the exercise of his fatherly interest in the owner of the estate, he did not like the alienation, he might refuse to register the alienation, or allot the assessment on the separated portions, in which case the alienation would have no legal force or effect, and the proprietor remained liable for the full assessment on the entire estate. This is the *prima facie* and even fair logical construction of the section ; but this construction has been rudely shaken by a recent well-known decision of the High Court in the cause *célèbre*, of the *Court of Wards v. The Executor of Ponnusawmy Taver*, the effect of which was to transfer two of the finest sub-divisions of the great zemindary of Ramnad to the children of Ponnusawmy Taver, who had managed to wheedle the late cock-fighting Zemindar out of a deed of gift conveying those fair lands to him. We cannot, however, stop to discuss this part of the question ; our object being rather to note the march of legislation in connection with a proprietor's rights of transfer. As a corollary to Section 8 of Regulation XXV of 1802, Section 9 of Regulation XXVI of 1802 was enacted ; and it provided that where estates might be divided into portions, charged with a less proportion of the permanent land tax than the sum of 500 pagodas (Rupees 1,750) per annum, such separation of lands should not be held valid in the Civil Courts, but the proprietor of the estate before the division was to continue liable for the entire amount of the permanent land tax in the same manner as if the separation had not been made. Even this watchful proviso in the interests of the proprietor came to be considered impolitic and inexpedient in the course of time ; and the resolution was taken to

modify it. Accordingly Regulation I of 1819 was passed, which permitted zemindaries to be subdivided into portions not less than one village or dependent hamlet in extent, though the amount of the sub-assessment might be less than 500 pagodas. But the Revenue Board in recent years considered the law thus modified to be still behind the times. In fact they considered it unjust both to Zemindars and to the persons to whom they might alienate portions of their estates, and were in favor of a complete removal of all restrictions on the right of transfer, especially as such removal could be effected without detriment to the punctual realization of the revenue—which, apparently in these days of non-interference with the liberty of the subject, is all that the Government have to regard. As to the unjust bearing of the law towards Zemindars, it was pointed out that, under the old law of limitation, a grant by a Zemindar of *lakhiraj* land—i. e., rent free, or favorable tenure—was good only during the life-time of the grantor ; every succeeding Zemindar having it in his power to impeach it, provided he did so within twelve years of his succession ; whereas, under the present law, once the Statute begins to run at the death of the grantor, it does not cease to run ; so that a Zemindar, say the second in succession from the grantor, would have his claim barred by the *laches* of his predecessor, and would yet be liable to go on paying the public demand on the alienated lands unless they consist of entire villages, in which case, of course, he could require the Collector to register and sub-assess them as separate estates under the Regulations of 1802 and 1819. Suppose A and B were minor Zemindars under wardship. A's grandfather had given five villages in *Inam* to a favorite dancing girl ; his son and successor held the zemindary twelve years and died without suing to redeem :

A, the latter's son, would be barred by his father's laches from suing to recover the alienated villages; but the Court of Wards could secure him considerable relief by saddling the dancing girl or her heirs with the land tax assessable on the property. But take B's case. His grandfather, instead of bestowing five separate and entire villages on his dancing girl, had endowed his favorite with portions of land out of twenty different villages: in the aggregate, these assignments were quite as valuable as, perhaps more valuable than, the five villages alienated by A; but being in each case less than an entire village or dependent hamlet, B would have no relief either at law, or by the intervention of the Collector. He must be not only content to lose the lands, but go on paying the Government 'peishcush' as originally fixed on the entire zemindary. There is no doubt that, in this respect, the law could work harshly and unequally. Then as to its operation on the alienees. One would think that they at least had the best of the bargain; they would have their lands and somebody else would pay the assessment for them. This might be in the case of the alienee of an entire village; but what of the alienee of portions less than a village?... Why, at any moment a revenue sale by the Collector might destroy a title which had otherwise become perfect. If the entire zemindary was put up for sale for arrears of revenue, the alienated portion must go with it, because it had not been officially separated and sub-assessed; and the only way the alienee could save his lands was to pay the whole of the arrears on the entire estate. A Zemindar might often, from motives of pride, indifference, or spite, in order to depreciate the value of the property leave that of his ancestor, neglect to separate the alienated portions from his estate; so that if a revenue sale of the estate took place, the alienees of even larger portions than a village for valuable consi-

deration, might be ruined by the neglect of the Zemindar. What the Revenue Board aimed at therefore was to bring in a law under which, when either party could shew that the alienation, whether large or small, was absolutely unassailible, the Zemindar might be able to secure a proportionate reduction of his *peishcush*, and the alienee protection against a revenue sale for arrears due on the entire zemindary or estate. Accordingly a Bill was brought by the Honorable Mr. Carmichael into the Legislative Council, which has since been passed into an Act entitled Madras Act I of 1876, the object of which is to make better provision for the separate assessment of alienated portions of permanently settled estates. In introducing the Bill the Honorable Mr. Carmichael fully explained the necessity for such a change of law. He pointed out that the chief objection put forward to the free subdivision of estates was the alleged difficulty of collecting small items of revenue, but that experience had proved that there was no difficulty whatever. About two and half millions of our ryots pay under 10 Rupees each a year for the lands cultivated by them; many considerably under that sum; and, under the Madras system of revenue, no difficulty was felt by the Tahsildars in collecting these small items.

In moving for the final consideration of the Bill preparatory to passing it into law, the Hon'ble Mr. Carmichael further explained the necessity of introducing such a measure, the personnel of the Council having considerably changed, and His Grace the Duke of Buckingham and Chandos having assumed the position of President since the first introduction of the Bill. We quote the Hon'ble mover's explanation. "By the Hindoo law as it prevails in this Presidency, a man's sons become from their birth co-parceners with him; and he cannot,

without their consent, or unless under the circumstances of necessity, alienate more than his own interest in the estate; the alienation of anything beyond his own interest would be invalid for the excess. And if the estate is impartible, as some zemindaries are, it is the right of the son to receive the estate intact at his father's death. Such a Zemindar, as remarked by Mr. Justice Holloway, has really an estate analogous to an estate tail as it originally stood upon the Statute *De Donis*. He is the owner, but can neither encumber nor alienate it beyond the period of his own life. Suppose then that a Zemindar, of whatever class, under circumstances of necessity or in some other indefensible way, sells, not a whole village, but a portion of one. Why then, until you pass into law the present Bill, the son, on succeeding, would be compelled to go on paying the land tax due on the alienated portion, although he could never recover the lands, because the Collector won't recognize it as a separate zemindary estate, which must consist of an entire village at least. Again, for the same reason, the alienee might at any moment be sold up at a revenue sale for arrears due on the zemindary to which the lands still belong in the Collector's books." The Bill was thereupon passed, and having received the assent of the Viceroy, has now become law. The Act (I of 1876) consists of 9 Sections. The first provides for the alienor or alienee of any portion of a permanently settled estate, or his representative, applying to the Collector for registration and separate assessment. Section 2 directs the Collector to hold an inquiry as to who is the owner, for which purpose he is to insert notices in the Gazette that the separate assessment applied for will be made, unless cause to the contrary is shown within 60 days; and then, when he finds that all parties consent to the alienation, he is to proceed to register the alienated portion

in the name of the alienee, and to apportion the assessment of the alienated portion in the manner provided in Section 45 of Madras Act II of 1864, subject to the sanction laid down in Section 46 of that Act. Section 3 enacts that upon the assessment being declared, an amount equal to the sum assessed in the separated portion shall be deducted from the land revenue payable by the estate. Section 4 declares that, after this, the portion so separately assessed shall no longer be liable in respect of arrears of revenue due by the estate of which it once formed a part; and that the estate shall not be so liable for the portion separately assessed. Section 5 permits any person aggrieved by the fact of the separate registration to sue in a Civil Court for a decree prohibitory of such separate registration. Section 6 likewise permits any person aggrieved by the Collector's refusal to register, to sue in a Civil Court for a decree to compel him to register. Section 7 permits any person aggrieved by the separate apportionment of the assessment, to appeal to the Board of Revenue within 90 days. Section 8 is a sort of saving clause, which gives the Governor in Council power to interfere after any lapse of time, and to cause a re-adjustment, if it should appear that there has been fraud or material error in the apportionment of such separate assessment. The last Section (9) simply repeals Regulation I of 1819. As far as its purpose is concerned, the Act is open to no objection whatever; it is complete and free from defect in all its provisions; but we must confess that we are conservative enough in our notions to hold that the law is in advance of the times. The people of this country, with the exception of the very enlightened few, are children who, for their own good, still require a watchful restraint being placed on the freedom of their actions.

## CORRESPONDENCE.

## LONDON LIFE.

[FROM OUR SPECIAL CORRESPONDENT.]

SIE,

PEACE or WAR? is the question on every lady's lips. There has not been so much curiosity and excitement evinced by all classes since the memorable close of 1853, when the Crimean War was pending. Now your friend in the city has but one topic of conversation, your club acquaintance but one subject of discourse, will there be war? The "whip" at the covert side, the keeper among the stubbles, the jockey on Newmarket Heath, the waiter at your inn, and your civil tradesmen all ask the same question; if you please, Sir, are we going to fight? It is not very easy to reply, and probably no Statesman in Europe, with the exception of Prince Gortschakoff, has any very clear ideas on the subject. We must confess that we are passing through a period of confusion and uncertainty which leaves no solid basis for anticipating the future. And yet there are numbers of people so blinded by party prejudice as to believe, or at any rate pretend to believe, that matters have not been made infinitely worse, and hostilities far more probable, by the sensational agitation of Mr. Gladstone, Mr. Lowe, Mr. Fawcett and their friends. Had it not been for the encouragement given by them to the Servians and the Russians, peace would have been speedily assured. As it is, no one knows what may happen. Turkey offered an armistice of ten days, but Servia demanded six weeks; now Turkey has offered to suspend operations for six months, but that does not appear to suit Russia. It is evident that an armistice of only six weeks would be greatly to the disadvantage of Turkey. It would just give time to Russia and Servia to complete their preparations and cause a prolongation of hostilities through the winter, when all the atmospheric conditions would be against the Turks, who cannot stand variations of climate and temperature like their Northern foes. Six months would appear to be a reasonable period, more especially as during that interval diplomacy might arrange a solution of the existing tangled situation. But I can only repeat that at present no one sees his way. Every day brings fresh proof that the so-called Bulgarian atrocities were grossly exaggerated; and it is now plain that even Mr. Baring—who went out as the representative of Her Britannic Majesty's Government to enquire into the alleged enormities—was the dupe of interested and mendacious Russians and Bulgarians, who actually in many districts dug up hundreds of dead bodies out of their cemeteries and strewed them on the road to be exhibited as victims of

Turkish barbarity. Even the Revd. Canon Liddon, a highly educated and talented dignitary of the Anglican Church, posted off to the insurrectionary provinces and allowed himself so far to be carried away by his feelings as to assert that he had seen Christians impaled on stakes, and when the matter was investigated and to all intents and purposes refuted by M. Musurus, the Porte's ambassador in London, the revd. gentleman had to confess that in going down a river in a steamboat he had seen an object like a Christian on a stake, but it possibly might have been a scarecrow!!

Mr. Butler Johnstone, the member for Canterbury, has addressed an admirable letter of rebuke to Mr. Gladstone for his unpatriotic and eccentric behaviour. I should like to give you some lengthy extracts but space will not permit, still, I cannot help quoting the concluding sentence of the pamphlet. "If any one thinks that this Bulgarian agitation will promote a party purpose, I sincerely believe that he will find that he held the common sense and 'narrow' patriotism of this country a great deal too cheap, and when the inevitable reaction shall set in, and the storm of passion shall abate, and calmer counsels prevail, those who wished to convert a righteous indignation into a party victory, and ride triumphantly on the storm, may find themselves more effectually than ever stranded on the shoals of discredited faction." Already have Mr. Butler Johnstone's predictions been fulfilled. Even the *Times* has turned round and no longer abuses the Turk or pats the Russian on the back. The fatal effects of Mr. Gladstone's political juggling are now patent to all, and the country has returned to a state of sanity. We are however by no means rid of the "Eastern question." All the wise men in all the States of Europe have been putting their heads together, but to very little purpose. In settling the "question of the East," the interests of England, Russia, Turkey, Austria, France, Italy and Germany have to be considered, not to speak of the Slavonic Provinces, and these eight or nine conflicting interests appear to be almost irreconcileable. These wars and rumours of wars have naturally had a most depressing effect in the regions of the Stock Exchange. Although the Bank rate of interest is only two per cent, and money, as the saying goes, is a "drug in the market," yet there is no business doing. The most adventurous speculator is loth to risk his money when living on a volcano, for that is indeed the position. Consols and foreign stocks are low as it is, but, should an European War break out, Heaven knows where prices would go to. Thus it is that millions upon millions are lying unprofitably idle, and the commerce and prosperity of the whole world are retarded because ambitious potentates seek to remove their

neighbours' landmarks; because secret agitators stir up rebellion in hopes of getting plunder out of the general wreck; because reckless and effete governments will not take steps to ensure the proper administration of law and justice within their gates. If the loss of wealth caused by these frequently recurring periods of panic and suspense could be accurately computed and set down in writing, it would amaze and appal the world, and perhaps even the Bismarcks, the Gortschakoffs, the Tscherniaieffs, and the Mahmouds might give more heed to their ways. It seems now pretty certain that Turkey will pay no interest on her 200 millions of debt until the question of Peace or War is finally settled, and Egypt is in much the same plight. Mr. Goschen has gone to Cairo to see what he can urge on behalf of the poor bondholders, but those who ought to know are not sanguine as to the result of his mission.

The late Sultan Murad is in extremis, and from all accounts death will be a happy release for him. He was examined by four physicians the other day, and could neither move from the sofa on which he was reclining, nor articulate a single intelligible word in answer to the questions put to him. His memory has quite gone; and being unable to take nourishment, he is in a fearful state of emaciation. It would almost appear as if some unseen and deadly influence was at work to blast and ruin the occupants of the Turkish throne. The Sultan Abdul Aziz was a very decent young man till he became Sovereign of the Empire; and this miserable Murad was, as far as we know, tolerably well in mind and body before he succeeded to Power. Now little more than four months have elapsed, and his condition is that which I have described above. Is it the life of luxury, solitude, idleness and self-indulgence which does the mischief, or is foul play to be suspected? We shall see how the present man gets on. If newspaper reports are to be credited, he is so far really active and energetic, and does not devote himself solely to the pleasures of the Seraglio and the Banqueting Hall. He has undertaken, in the event of war with Russia, to place himself at the head of the army, and he has solemnly promised universal and sweeping reforms. But then, alas! we have learned by sad experience that Turkish promises, like pie-crust, are made to be broken. If the present ruler of the Ottoman Empire furnishes a glorious exception to the rule, he may defy Russian ambition for any number of years to come.

It was almost this very day last year that Albert Edward, Prince of Wales, quitted these shores for India. How rapidly the days and weeks glide by, and what a vast amount of information he must have acquired in those fleeting six months which he spent among the

princes and peasants of Her Majesty's Indian Empire! There is no doubt that he was very deeply impressed and highly gratified by all he saw there, and it is to be hoped that he in his turn satisfied the people over whom he is some day to rule. If we may judge by the gorgeous presents with which he returned laden, he must have been sufficiently popular. These treasures have been freely exhibited to the British Public; and having been displayed for three months to the fashionable world of the West End at the South Kensington Museum, they have now been transferred to Bethnal Green in the far East of London, for the delectation, and possibly instruction, of publicans and costermongers. It is this kind of thoughtful consideration for the lower classes which is one of the chief causes of the Prince's universal popularity in the United Kingdom, although "Pat" does grumble (and with some show of justice) that the Heir Apparent managed to devote a good deal more time to the "niggers" than to the denizens of the Emerald Isle, which is so much more handy. However, they have now got a real live prince of the Blood Royal (the Duke of Connaught), who has taken command of a battalion of the Rifle Brigade, and proposes to spend the next twelve months in Dublin and its vicinity, so that the "Castle" will be en fête all the year.

We are promised a now "sensational" case which is to eclipse all the sayings and doings of Mr. and Mrs. Bravo, Mrs. Cox, and Dr. Gully. Of course it is impossible at present even to hint at the names of the parties concerned, but the following is a résumé of the facts as they have reached me. Some two years ago a gentleman married a young lady, an only daughter, and lived amicably with her and his mother-in-law, a worthy old lady, the possessor of the solid sum of £40,000. To pass away the long winter evenings, the bridegroom introduced the pastime of shooting with saloon pistols. One unlucky evening the mother-in-law was accidentally shot, and her daughter inherited the money. Then the daughter died suddenly, and the gentleman found himself a widower minus a mother-in-law but plus £40,000. With that sum in hand, he was not inconsolable; and in course of time led to the altar a lady endowed with as ample a fortune as himself. But ill-luck still attended him, for, being on a tour in Switzerland with his second bride, he took her for a walk in some of the most picturesque and mountainous districts. Fancy the dismay of the landlord and his other guests when the husband returned to the hotel alone, distracted with grief, and informed the company that his wife had fallen over a precipice and was no more. She, poor soul! had likewise bequeathed her money to her husband. That is the story. I make no

comments, but I know on pretty good authority, that the various facts will shortly engage the attention of the gentlemen of the long robe. What a wicked world it is!

The great wonder of the age, the monster weapon, the 1-ton gun has been successfully tried during the last fortnight at Shoeburyness. It is indeed a gigantic cannon, a real work of the Titans, a gun that drives a projectile weighing many tons for a distance of over five miles! Why, the very powder that forms the bursting charge is not powder, but solid lumps of charcoal and saltpetre like good-sized coals. The force of the explosion is terrific. When the gun was first fired every window for miles round was smashed, lath and plaster ceilings and walls were reduced to fragments, doors were blown off their hinges, and strong men carried off their feet. Six hundred pounds worth of damage was done to the soldiers' huts alone, and the spectators nearly had all the breath blown out of their bodies. A gun of this sort will be rather a delicate weapon to handle, or the proud possessor of it may one day find himself "hoisted with his own petard." I wonder what will happen when it is fired for the first time on board a ship; for I believe its final destination is to be the deck of an iron-clad. May I not be there to see! By the bye, whilst we were doing so much damage at Shoeburyness with our new "infant," the engineers of New York managed to blow up a rock called Hell Gate without cracking a pane of glass, or smashing a single article of furniture; and yet they made use of no less than fifty thousand pounds of dynamite, a more powerful explosive than gunpowder. All that can be said is "they manage these things better on the other side of the 'Herring Pond'."

The "spiritualistic" world has been sorely exercised of late, and "mediums" have been shaking in their shoes. Mrs. Guppy quivers with indignation, and Sergeant Cox groans over the iniquity of unbelievers. Owing to a paper "on spirits" and "media" having been read and discussed at some public scientific gathering, and owing to dearth of news in the "silly" season, a controversy was for many days carried on in the columns of the *Times* newspaper as to the genuineness of certain spiritual manifestations. A certain Dr. Slade was the professor who held communications with the spirit of his deceased wife, and who affirmed that she wrote messages to him on a slate. Messrs. Maskelyne and Cooke, the well-known conjurors, said it was all a trick and they could do as much and a great deal more. Dr. Lankester said "spiritual manifestations" were all bosh; Mr. Cox retorted that he should not dogmatise on a subject of which he was totally ignorant, and so on. At last two or three learned physicians attended a "seance," and watched all Dr. Slade's movements and mani-

pulations with great circumspection; of course they went with the predetermined belief that the thing was an imposture and a sham. In the middle of the "seance" up jumped one who seized Slade and vowed he had detected the trick; mutual recriminations ensued and the meeting broke up in confusion. But the matter did not end here; so convinced was Dr. Lankester that the pretended intercourse with the spirit world was a trick and a most pernicious one for the morals of weak-minded people, that he invoked the strong arm of the law to suppress the exhibition; and Dr. Slade's "seances" were last week transferred from his private residence in Bedford Place to the Police Court in Bow Street, and Mr. Flowers, the Magistrate, and Mr. George Lewis, the eminent lawyer, assisted. In fact, Dr. Slade was summoned as a rogue and a vagabond, who was conspiring to extort money on false pretences from credulous idiots. He was placed in the same category with the "three card trick" performer, and the "pea and thimble" man. This seems a little harsh; but, if it can be proved that there is no such thing as "psychic force," perhaps the world will get on quite as well without the assistance of those clever gentlemen on whom the great Mr. Home's mantle has fallen. The enquiry in the Police Court is likely to last for some time; for counsel on both sides are evidently bent upon any amount of cross-examination; and the public who throng the Court are never tired of listening to the pros and cons. The most amusing scene was the examination of Mr. Maskelyne (who sets up to be the champion expositor of spiritualistic dodges), and the production of the mysterious table, which by-the-by was only valued by his owner at five and twenty shillings. The question is, is it advisable to set the huge machinery of the law in motion for such a trivial cause? Is not Dr. Lankester a little too "paternal" in his assiduous protection of his fellow citizens, from what he looks upon as their own imbecility? If Dr. Slade is acquitted, which in all probability will happen, this prosecution will have been a fine advertisement for him; his dupes will increase a hundred-fold, and the "spirit world" will sing Hallelujah!

The racing coteries are all alive, and will remain so for another three weeks until the curtain falls on the turf season of 1876. October is a busy month at Newmarket, for, besides the two great handicaps at head quarters, there are sundry most interesting events set for decision, such as the Middle Park and Dewhurst plates, and the Criterium stakes, which settle the superiority of the respective two year olds and furnish a key to the Derby and Leger of 1877. The October handicap was won by Prince Soltykoff's horse Timour, and poor Admiral

Rous was considerably objurgated for treating him with such a lenient impost. However, the general public managed to detect the "blot" in the handicap and won a lot of money, so they have no reason to be dissatisfied. The Cæsare-witch produced a field of nearly thirty runners, and was well contested throughout, although the favorite "Rosebery" won easily at the finish by four lengths, the second favorite Woodland coming next. The winner's name reminds me that the Earl of Rosebery has sold off his racing stud and gone to America to study the manners and customs of the Yankees, and not simply in order to kill something which is the aim and object of nearly all young gentlemen's travels in these days. Lord Rosebery is considered an embryo Whig statesman of great promise, and is sure to make his mark in diplomacy or politics. He gave ample proof of his good qualities as a man of business when we presided over the Select Committee on "horseflesh," which sat two or three years ago. In the great two year old race, the Middle Park plate, a French horse "Chamant" by Mortimer out of Araucaria was victorious. Twenty to one was laid against him and the favourites were nowhere. He belongs to Count Lagrange (owner of Gladiateur and Fille de l'air) who, after a short secession, has again returned to the English turf, and his success was received cordially. Unfortunately "Chamant" is not in the Derby, but he is engaged in the Grand prize of Paris and the St. Leger. The horse is named after the Count's stud farm in Picardy near Chantilly. The next great race will be the Cambridgeshire, and after that "legitimate" sport will be at an end, but hurdle racing and steeple-chasing will afford ample amusement and occupation for those who fancy they can never have too much of a good thing. As usual great havoc has been dealt among the partridges and pheasants; in Norfolk the Maharajah Dhuleep Singh killed eight hundred birds in one day with his own gun. To do this, he fired off nearly a thousand cartridges. Query—was his tympanum affected, and was his shoulder sore? The very dry weather has been unpropitious for cub-hunting, but now that it has commenced raining in good earnest we shall shortly hear of lots of sport. The Duke of Edinburgh being abroad with the Mediterranean fleet, the Prince of Wales will shoot his covers in Kent, so what with Sandringham and his numerous friends in various parts of the country, he will have enough to do to accomplish all the slaughter which will fall in his way.

London will be disappointed of its new Opera House. It is quite impossible to open it next season. Mr. Mapleson began very pluckily and had much substantial assistance from friends as well as manifold promises of support; but either those promises were delusive or the popular

manager's estimates were incorrect, for the money appears to be all gone, and the works are completely stopped. No doubt cash will ultimately be provided somehow or other, as so much capital has already been sunk in the purchase of the valuable site, the laying of the elaborate foundations, and the commencement of the structure which has already risen to the height of about thirty feet. Meanwhile we shall remain at the tender mercies of Mr. Gye, the talented impresario of the Royal Italian Opera Covent Garden. Mr. Mapleson's temporary fiasco will be a fine thing for him, and he will make hay while the sun shines. We are such a music-loving people, that there is quite scope enough for two Opera Houses in the metropolis, and a little "opposition" is a very wholesome thing; but as long as "Her Majesty's" troupe remain located in Drury Lane Theatre, the "opposition" cannot be regarded in any serious light. It will be curious to see what course is taken by the great Prima Donna. Madame Patti's engagement with Mr. Gye terminates on 31st July 1877, and she has declined to renew it at present. It is rumoured that she wishes to be free to sing in Paris during the summer of 1878, when the next Great Exhibition will be held, and also that she is not inclined to bind herself to Covent Garden without ascertaining the acoustic capabilities of the new Opera House on the Thames Embankment, or without knowing what kind of position that new establishment is likely to take in the estimation of fashionable society. Next year as usual we shall have scores of sopranis and not a single tenor worthy of the name. How opera habitués sigh for the days of Rubini and Mario! Cannot you find us a *bonâ fide* tenor who can both sing and act in the whole wide range of Hindustan? There is not one in Europe! Theatres flourish, but there is no medium between Shakespeare and the *Opera Bouffé*. A good sterling comedy seems unknown in these days. The days of pantomime are close upon us, to remind thoughtless youth that another precious year has well-nigh flown.

I am, &c.,  
PERIPATETIC.

LONDON, 13th October 1876.

## HIGH COURT—MADRAS.

HOLLOWAY AND KINDERSLEY, JJ.

*Malabar law—Kovilagom—Manager—Suit for removal—*

*Where, in a suit for the removal of the manager of a Kovilagom (or joint royal property) in Malabar, on several charges of mismanagement and misconduct, and the Sub-Judge dismissed the suit on the finding that she had managed the property faithfully and had committed no single act of misconduct, but recommended in his decree that she should dismiss the agent employed by her—*

*HELD, confirming the Sub-Judge's dismissal of the suit, that his doctrine that one single act of misconduct afforded sufficient ground for the removal of a Karnaven was not sound, because such removal ought to take place only on paramount ground of necessity; and that although it was well that the agent should be got rid of, the Courts could not embody in a decree that which they have no right to order; their business not being with counsels, but with precepts.*

B. A. 24 of 1876.

*Elaya Thamburathi of Puthia Kovilagom and another v. Valia Thamburathi of Puthia Kovilagom.*

THIS was a Regular Appeal against the decree of the Subordinate Court of South Malabar in O. S. 32 of 1874.

The facts of the case are fully set out below:—

"This was a suit to remove defendant from the management of the affairs of the kovilagom property and to recover costs. Plaintiff recites that plaintiff and defendant belong to the same kovilagom (royal house) of which the latter is the manager, that the first plaintiff is the younger sister and immediate heir of defendant, and the second plaintiff the person who holds the stanom of Mutha Rajah, that defendant has failed to give the full amount of the customary maintenance to the members of the family and to perform the marriage of first plaintiff's grand-daughter and other princesses who have attained their age, that she (defendant) has granted kovilagom property on an additional kanom of Rupees 4,275 to the persons who are entered as Nos. 1, 2, 3, 4 and 5 in the Schedule A, that she has appropriated money to her private use; that she has executed a new perpetual deed on kovilagom property to No. 6

and karars for forty-eight years to Nos. 4 and 8 and for twenty-four years to No. 7, that she gave the persons named in Schedule C Rupees 29,000 inclusive of Rupees 24,725 collected on account of claims under renewed demises of kovilagom property and of other amounts as specified in Schedule B, and has secretly appropriated the amount by taking bonds in the name of her beloved kariasten Subramanien Patter that the annual malikaua (pension) amount of Rupees 9,000 and the yearly profits derived from the lands and parambas belonging to the kovilagom are sufficient for defraying the kovilagom expenses; and that the cause of action accrued in Makarom 1049, January, February 1874, the date on which plaintiffs became aware of the mismanagement of the defendant. The defendant denies the truth of the plaint in toto, and contends that Court fees should be levied in this case on the amount of the full income of the kovilagom and the devasam appertaining thereto; that this suit which was instituted by the plaintiffs alone without including all the members of the kovilagom, is untenable; that it is likewise irregular for absence of any prayer to appoint another person in defendant's stead; that secoud plaintiff has no authority to conduct the affairs of the kovilagom, and the first plaintiff is incompetent; that she has not done any acts injurious to the kovilagom nor caused the same to be done; that on the contrary she has done several acts beneficial to the kovilagom; that she has regularly paid the maintenance to the families, that the Thamburathies (princesses) have not exceeded the usual age of marriage; that the delay was owing to the non-arrival of an auspicious moment and to uncontrollable circumstances; that the amount shown as No. 5 was not obtained as additional kauom, nor was a demise granted for forty-eight years as that marked No. 8; that the description in Schedule A of the nature of the transactions Nos. 1 to 4, 6 and 7 is erroneous; that the amounts Nos. 1 and 3 were obtained to pay off judgment debts, and debt No. 2 was contracted for repairing the kovilagom and No. 1 was a loan; that a right to hold for thirty-six years only was granted to the person shown as No. 4; that all these acts were done to meet the lawful necessities of the tarwad; that a perpetual deed was executed to No. 6 on his relinquishing the Palisha mataka right (otti) which he held from the former jenmee; that an extension of another twelve years was allowed to No. 7 in consideration of his voluntary labour by which some accretions were made to kovilagom property; that except a portion of the property demised to No. 4 as above, the rest with land No. 6 was lost possession of in execution of decrees; that no decree was passed for the payment to her of the amount shown as No. 3 in Schedule B, nor was any money recovered thereunder; that amount No. 4 was paid to Virarayen alias Unni for the

expenses of the Pionom and other ceremonies performed on the demise of the late Elankar; that only Rupees 660 were received on account of the kuttikanom entered as No. 5; that she did not get bonds executed in the name of Subramanien Patter as stated in Schedule C; that she has no right to the amount of those bonds; that the income from the common property of the kovilagom which she manages and the Malikana she gets are just sufficient to cover the daily expenses; that any extraordinary expense is met from the amount recovered by her on account of the kovilagom and from the money obtained by renewals and loans; and that these were done in the presence of the kovilagom Rajahs.

The following are the issues settled by the late Subordinate Judge:—

- I. Whether the Court fees properly leviable by law in this suit have been paid?
- II. Whether the plaintiffs have any right or authority to sue exclusively for the removal of the defendant from the administration of affairs on the ground of her mismanagement?
- III. Whether the suit is irregular for absence of prayer in the plaint for the appointment of another person in the place of defendant?
- IV. Whether the first plaintiff is competent to manage; and in what manner do Thamburathies conduct the affairs in kovilagoms?
- V. Whether the defendant did any acts prejudicial to, or destructive of, the kovilagom interests?
- VI. Whether the defendant maintains the families properly?
- VII. Whether by the wilful negligence of defendant to celebrate a marriage, a princess attained her puberty without being married; whether this was discreditable to the kovilagom; and whether such negligence will disqualify defendant for management?
- VIII. Whether the rights admitted to have been granted by defendant in perpetuity and for thirty-six and twenty-four years were granted for proper purposes of the tarwad?
- IX. Whether defendant is guilty of misfeasance and malfeasance as alleged in the plaint?
- X. Whether as stated in the plaint, the defendant got bonds executed in the name of Kander Kuttale Madathil Subramanien Patter for moneys belonging to the kovilagom?

The invincible repugnance to giving judgment in an original suit which was not tried by me has been the cause of a little delay; but with the consent of all parties I, proceeded to dispose of the case upon the evidence recorded by my friend the late Subordinate Judge. Going first into the preliminary objections, I find that the questions raised by the first and second issues are of no force. In a case of this nature, the suit may be brought by all or any of the members of a family who have all an equal life-interest in the property thereof, provided that the suit be for the advantage of that property. Again, a suit for the removal of a mismanager from office may be valued on one single act of mismanagement or on groups of such acts. The effect is all the same. If one clear and unaccountable act of mismanagement can be brought home to the defendant, she would just as well be liable to be removed from the office as if several such acts had been brought home to her. The result being thus the same, it is optional to found the suit on one single act of misconduct or on a group of such acts, and the valuation of the suit and the Court fee to be paid must be regulated accordingly. This has been done here; and the argument that Court fee should be paid upon the whole kovilagom property is absurd. In the objection raised by the third issue there is perhaps some force. In going then into the merits of the case, we have chiefly to consider the alleged acts and omissions of the defendant and see how far they render her unfit for management. The first act complained of is the granting of a new kanom of Rupees 1,000 to one Krishna Thambi, but this amount appears to have been raised to meet a proper necessity of the kovilagom, namely, the payment of a judgment debt (*Vide, XI*). The other new kanoms are also proved to have been raised either for payment of judgment debts, or for the repair of the kovilagom buildings, both which are proper necessities. There are various decrees and receipts put in by the defendant to show payment of judgment debts by her (*Exhibits 13, 14, 15, 20, 21*). Then as regards the granting of a perpetual lease and kanoms for unusually long periods, the defendant has shown good reasons for doing so. The perpetual lease appears to have been granted to one who in her opinion, which opinion may perhaps be somewhat faulty in the eyes of a lawyer, for the man held only a kanom and not otti under G, held a right of pre-emption over the property of which she was only a subsequent purchaser. So far therefore as the records of the former suits connected with this property show, the defendant's motive for granting the perpetual lease was a desire to purchase the objection set up against her jenmee purchase and not to dissipate kovilagom property. The plaintiffs' sixth witness' evidence to the contrary is not entitled to belief as it is

inconsistent with his former conduct. Moreover it can hardly be now said that the kovilagom has suffered any loss at all by this transaction. The property has since found its way back into the possession of its original jenmee, and there is therefore no pretence even for now saying that the perpetual lease subjects the plaintiffs even to any imaginary grievance. This remark will also apply to the thirty-six years' kanom granted to Paru Ammal. The granting of another twelve years to Srambikul Ramen Menon was in consideration of his voluntary services which resulted in the discovery of new lands and demarcation of old lands belonging to the kovilagom. To P. Karunakara Menon no kanom of forty-eight years was given according to the defence, and there is no evidence on the part of plaintiffs in support of their allegation that such has been given him. Again, according to plaintiffs' own showing, all the above transactions were conducted by the defendant not individually, but through the agency of the senior Rajah of the kovilagom for the time being, and this precludes every supposition of fraud in her dealings. Until 1045 (1869-70) it is admitted by the plaintiffs themselves that the first plaintiff's own son was the defendant's adviser and agent in the management of the kovilagom affairs. It is hard, nay even unjust, now to charge the defendant with acts for which she was not thus solely responsible. The rule of management in kovilagom, as is proved and admitted on all sides, is that the senior Ranee should conduct the management through the agency of the senior Rajah; and to this rule the defendant has always adhered, except from 1045 (1869-70) since which time it is in evidence that the senior and every other Rajah declined to take part in the management, probably from the proved fact that nothing is to be got out of it since the expenditure exceeded the income. I find that none of the above dealings of the defendant has subjected the kovilagom to any appreciable loss; that they were all entered into *bond fide*, with due regard to the kovilagom interests and with sufficient authority; and that therefore they would not render her unfit to continue in management. Considering also the long period during which she has had the management, which circumstance is in itself some proof of her good management, the various litigations she has carried on apparently for the advantage of the kovilagom, and the various houses built and ruined-temples restored by her for the welfare of the kovilagom, some allowance I think must be made in her favour for any slight shortcomings in her long administration, as even the wisest of men is liable to err. The next accusation against her is that she is defrauding the kovilagom by taking bonds in her kariasten's private name for moneys belonging to the kovilagom. The plaintiffs have wholly failed to make out this

charge. On the contrary their own second, third and eighth witnesses, the executants of those bonds, state that the money due under those bonds did not belong to the kovilagom, but to the kariasten Subramanien Patter himself in whose favour they are executed. The fourth witness states that the money belonged to defendant's daughter; even if so, it is not the common property of the kovilagom. It is however no doubt a suspicious circumstance that this Patter, who was but a cook till some sixteen years ago and who had no property to speak of till 1028 (1852-3) (A), should have risen so high in wealth within this short space of time as to be able to deal in so large sums of money; but mere suspicion is not sufficient to produce conviction, without which it is unsafe to hold that the money belongs to somebody to whom the bonds do not show it to belong. The plaintiffs' case on this point was that the real fact of the matter is otherwise than as stated in the documents, and they were therefore bound to prove this by some very strong evidence which they have failed to do. The next charge is that the defendant is not giving proper maintenance to the members of the family. It is in evidence (VI), that these plaintiffs were themselves satisfied that the income from the kovilagom property was scarcely sufficient to maintain the kovilagom without contribution from private funds, and the accounts of receipts and disbursements filed on defendant's side also show this. It is not denied that the defendant is maintaining the family, but the only dispute which plaintiffs raise is that the amount paid is not sufficient. I find that what is now paid is all that the means of the kovilagom will admit of, and the plaintiffs have failed to adduce evidence that the means will admit of paying anything further. That the various departments in the household are well managed is proved by the servants in each of such departments. Then comes a charge of not celebrating a marriage. According to plaintiffs' own showing and the evidence of the mother of the princess in question, twelve is the maximum age within or at which a princess' marriage (the Tali tying ceremony) should as a rule take place, and it is clear also from plaintiffs' own witnesses (five and twelve in particular) that the princess in question attained puberty at the uncommonly low age of eleven. This is not the fault of the defendant. It is admitted by the first plaintiff herself, and by the mother of the said princess, that there was no apathy on the part of the defendant in the cause of the marriage, that she consulted the first plaintiff once or twice as to the expediency of performing the ceremony, but deaths in the family and the obstruction by a certain member in the family to the taking of necessary funds (*vide* Exhibits 29 and 30) from the treasury necessarily put off the marriage, and that she (defendant) had no reason to anticipate that

this princess would attain puberty in such an unusually early age as eleven when her elders of fourteen and fifteen, whose marriages had already been celebrated, were still below puberty. However disgraceful therefore the attainment of puberty by the princess in question may be, it is clear that it is not the result of any unjustifiable act or omission on the part of the defendant. On the whole I am satisfied that there is not sufficient ground shown by the plaintiffs to warrant the removal of the defendant from the management of the kovilagom and I would dismiss their suit for that purpose but for better safety of the kovilagom interests for the future, I am inclined to think that the defendant would do well to manage the affairs as she did till 1045 (1869-70) through the agency of the second plaintiff the present senior Rajah of the kovilagom instead of the Patter, whose conduct is tainted with suspicion. The origin of the whole suit is, as will be seen from the record, the existence of dissension in the kovilagom and I will therefore allow no costs."

From this decision plaintiffs appealed to the High Court on the ground that the decree of the Subordinate Judge is against the weight of evidence; that the defendant only possessed a life-interest and could not legally grant perpetual leases; that the defendant could not legally grant kanoms, unless for the benefit of the kovilagom; that the defendant could not legally grant kanoms for unusually long periods even where the money raised was required for kovilagom purposes; that the kovilagom property is not liable for the debts of the defendant; that the kanom granted to Sambikal Ramen Menon, was unnecessary, and not binding on the kovilagom; that the fact that the whole or any portion of the above transactions were conducted by the defendant not individually, but through the agency of the senior Rajah of the kovilagom for the time being does not alter their character; that the defendant is at any rate responsible for her acts since 1869 and 1870; that the defendant is bound to maintain the plaintiffs according to the social position occupied by them; that the defendant is bound to perform the marriage ceremonies of the Thamburathies before they arrive at their eleventh year; and that the defendant was not justified in taking bonds in the name of Subramanien Patter.

*Spring Branson* for appellant.

*A. Ramachendra Iyer* for respondent.

The High Court delivered the following

*Judgment:—1st September 1876.*

As we stated at the hearing, we were quite unable to agree with the doctrine of the Sub-Judge that single act of misconduct afforded sufficient ground for the removal of a Karnaven.

Such removal ought to take place only on paramount ground of necessity. Despite this doctrine, too favorable to the plaintiff, his suit has been dismissed and very rightly; a weaker case of the kind was never presented.

We have felt bound to remove from the decree the words, which recommend the employment of one of the males by the defendant to assist her. It would undoubtedly be well if this agent was got rid of, but the Courts cannot embody in a decree that which it has no right to order. Its business is not with counsels but with precepts.

The plaintiffs appeal is dismissed with costs. No costs of the cross appeal.

## HIGH COURT—CALCUTTA.

[Original Civil.]

GARTH, C. J., AND PONTIFEX, J.

*Jurisdiction—Suit for Land—Letters Patent, 1865, Clause 12—Deed of Trust giving Trustees Power of Sale of Land in the Mofussil—Suit by Creditor to have Trusts carried out.*

*M and L were the joint absolute owners of certain land in the Mofussil, M having a 14-anna share, and L the remaining 2-anna share therein. During the absence of L in England, M executed, on behalf of himself and L, a deed of assignment of the whole of the property to trustees, for the benefit of the creditors of the estate, which was heavily encumbered, on trust to sell the land and distribute the assets to the creditors. The trustees accepted the trust, but difficulties afterwards arose in carrying them out. A suit was thereupon instituted by the plaintiff, a creditor, on behalf of himself and the other creditors, the plaint in which alleged that the trustees were desirous of being discharged, and prayed that the trusts might be carried into effect; that the trustees might be removed; and that a Receiver might be appointed to carry out the trusts. To this suit the trustees and M and L were made defendants. L, who was in England, denied any power in M to execute the deed on his behalf: the trustees and M were personally subject to the jurisdiction.*

*HELD per Phear, J., in the Court below, that the*

*plaint disclosed a good cause of action, as the Court, if it had jurisdiction, would have power to make a declaration binding against L as to the validity of the deed of trust, to appoint a Receiver of the estate, and to direct a sale which would be binding on M and L; but that the suit being one "for land" within the meaning of Clause 12 of the Letters Patent the Court had no jurisdiction to try it.*

*HELD on appeal that the suit, having for its object to compel a sale of the whole of the land, including L's share the title to which was disputed, was a "suit for land" within the meaning of Clause 12 of the Letters Patent, and that the Court had no jurisdiction to try it.*

The Delhi and London Bank v. Wordie and others.

APPEAL from a decision of Phear, J., dated 2nd February 1876.

The suit was brought to carry out the trusts of a certain deed which had been executed for the benefit of the creditors of W. E. Morrell and H. N. Lightfoot, and which related to certain immoveable property situated outside the local limits of the jurisdiction of the High Court. The plaintiff Bank represented the creditors interested in the deed, and the original defendants were T. H. Wordie and T. Longmuir, the trustees, who were both resident in Calcutta.

The plaint stated that Morrell and Lightfoot were co-partners in the property to which the trust deed related, the former having a 14-anna share, and the latter a 2-anna share in the property; that the property was, prior to the execution of the trust deed, heavily encumbered, the plaintiff Bank being creditors of Morrell and Lightfoot and mortgagees of certain portions of the property; that on the 14th May 1875, Morrell on his own behalf, and as attorney for Lightfoot who was then absent in England, executed a deed by which all their property, subject to the encumbrances, was assigned to the defendants upon certain trusts, among which was one to the effect that the trustees should call in and collect such part of the estate as consisted of money, and sell and convert into money the landed property, and should, out of the assets, so far as they were sufficient for the purpose, discharge the liabilities of the debtors; that the defendants accepted the trusts of the deed and appointed Morrell to manage the property; but subsequently, by reason of certain complications which arose in carrying out the trusts, the defendants became desirous that they should be relieved from carrying them out, and that a Receiver should be appointed to collect and

distribute the assets. The plaint prayed that the trusts of the deed might be carried into effect, that the defendants might be removed and relieved from further carrying out the trusts, and that a Receiver might be appointed to carry out the trusts of the deed.

The defendants Wordie and Longmuir filed a written statement, in which they stated that they were desirous of relinquishing the trusts, but were willing to carry them out under the direction of the Court. On the case coming on for settlement of issues, Phear, J., ordered on the application of Morrell to be made a party to the suit, that Morrell and Lightfoot should be made defendants in the suit, and appointed the Receiver of the Court to take possession of the property and carry out the trusts of the deed.

The defendant Morrell submitted (*inter alia*) that as the estates referred to in the deed were situated beyond the local limits of the Court, the Court had no jurisdiction to entertain the suit. The defendant Lightfoot, who resided in England, filed a written statement, in which he denied that Morrell had any authority to execute the deed of assignment on his behalf and submitted that he was not bound thereby, but that the deed was void and inoperative as against him.

The only issues material to this report were first "whether the plaint discloses any cause of action," and second "whether the Court has jurisdiction in the matter of the suit, the immoveable property mentioned in the plaint being admittedly out of the jurisdiction, when the defendant Lightfoot denies the execution of the deed of assignment comprising such estate, and is not personally subject to the jurisdiction."

PHEAR, J.—The first issue, which I am called upon to decide, is in these words, "whether the plaint discloses any sufficient cause of action;" and I feel no difficulty in answering it in the affirmative. This Court as a Court of Equity, with the powers of the Court of Chancery, will, at the instance of a *cestui-que* trust, when necessary, compel an inactive trustee to do his duty, or facilitate a trustee's doing his duty by making declarations of fact or law, which shall bind parties properly brought before the Court for that purpose, or by acting directly upon parties before it who have control and power over the subject of the trust, and making them perform any obligations with respect to it which they may be under towards the trustee or to the *cestui-que* trust, and so on.

Now, in the present suit, the case made in the plaint is shortly as follows:—

In the events which have happened, the defendant Morrell has become sole and absolute owner of several specified grants of land,

in the districts of Backergunge and Jessore, subject to the charge thereon of certain small legacies, and the defendant Lightfoot is a partner with him in these grants and in the management and profits thereof to the extent of a two-anna share under a certain deed of partnership. Previous to and in July 1873, three large parcels of this property, which may be conveniently designated by the letters A, B and C, respectively, and which constituted all the property that was of any considerable value, were so heavily encumbered, that the net income derivable from them was insufficient to keep down the interest on the debt. Afterwards these three parcels of the property were still further encumbered by two additional mortgages for sums of money amounting in the aggregate to Rupees 44,000. The total of the encumbrances on these three parcels was thus brought up to the sum of Rupees 5,73,000, the plaintiff Bank out of this sum being creditor for Rupees 28,000 on the security of a fifth mortgage on parcel A, a fourth mortgage on parcel B, and a third mortgage on parcel C, and being besides unsecured creditor for Rupees 3,329 on a bill of exchange.

In this state of things on the 14th May 1875, the defendant Lightfoot being then absent from India, the defendant Morrell, not only acting for himself, but also professing to act for Lightfoot under a power-of-attorney enabling him so to do, executed in Calcutta a deed, by which he assigned *all* the abovementioned property, subject to the encumbrances just spoken of, and also all other property whatever of himself and Lightfoot, to the defendants Wordie and Longmuir on trust, among other things, to collect and call in all such part of the property assigned as should consist of money, and to sell and convert into money all the rest of the property, and out of the money so to be realized to pay the creditors of Morrell and Lightfoot in full or ratably so far as the money would go. The defendants Wordie and Longmuir took upon themselves the trusts of the deed, and appointed Morrell their agent to manage the property until sale, and to collect arrears of rent, &c., under their directions. In pursuance of this arrangement, the defendant Morrell who up to the date of the execution of the deed of trust, and during the absence of Lightfoot from this country had been in sole possession and management of the immoveable property assigned, took over charge of the same from himself as owner to himself as the trustee's agent. But he found or made difficulty in the matter of collecting the rents, and mofussil creditors having instituted suits in the local Courts against Morrell and Lightfoot procured attachments before judgment to be placed on that property, or considerable portions of it. The defendant Lightfoot, also, upon learning of the transaction, repudiated Morrell's act on his

behalf, and giving notice of his repudiation to the trustees, forbade them to deal in any way with his share of the property assigned to them in trust. Under these circumstances, the defendants Wordie and Longmuir are unwilling to proceed further in the matter of the deed of the 14th May 1875, and are desirous of being discharged from the trusts thereof, though, in their written statement, they express themselves ready to effect a sale of the property, provided the directions and assistance of this Court for that purpose can be obtained.

The plaintiff Bank is one of the creditors, in whose favor the deed of trust purports to have been made, and it seems to me plain that, if the substance of the case set up in the plaint is established, it would be accordant with the principles which govern the action of this Court, that it should afford him a remedy for the inactivity and weakness of the trustees by making a declaration as to the validity of the deed of trust, which would be binding on Lightfoot as a party who has appeared before the Court in this suit and by appointing a Receiver of the rents and profits of the immoveable property, which is the subject of the trust, and farther by directing a sale of the property which would be binding on Morrell and Lightfoot, and would therefore pass a title, which they could not dispute. The plaintiff has therefore shown a right to seek the intervention of this Court, in other words a good cause of action.

The second issue questions the jurisdiction of this Court to entertain this suit on a somewhat complex ground, and I think it will be convenient at first to separate one of the ingredients of the issue from the rest, and to consider whether or not the suit is in its nature a "suit for land" within the meaning of the twelfth clause of the Letters Patent.

Now, the cause of action in this suit, as we have just seen, does not, at any rate in any material degree, proceed from the trustees. The plaintiff wants to have a sale of the property effected, and for that purpose to have the obstacles, which arise from the conduct of Morrell and Lightfoot, and otherwise than from the trustees, removed by the Court. So far as the substance of this suit is concerned, the plaintiff's case is the same as if the trustees were out of the way, and Morrell and Lightfoot had bound themselves by covenant on sufficient consideration to sell the property and to divide the proceeds, according to the terms of the deed of 14th May 1875, among their creditors, of whom the plaintiff is one. The like transaction with the plaintiff as the sole creditor would manifestly be of the nature of a mortgage, and a suit by the plaintiff on the footing of it to obtain a realization of the charge by sale would be a suit for land within Clause 12 of the Letters Patent. It follows, I think, that the

present suit also is a suit for land. Or to put it in another way, if the object of the suit had been to procure or sanction an immediate transfer of the land from the defendants Morrell and Lightfoot to the plaintiff, there could have been no question on the point. That the actual object is to procure the transfer of the land to a third person, who is to be subsequently ascertained by auction-sale, and of the benefit of the consideration-money to the plaintiff and others, does not I think essentially alter the matter.

In this view, the second issue must be answered adversely to the plaintiff, and the suit must be dismissed.

The plaintiff Bank appealed from this decision, on the ground that the Judge was wrong in holding that the suit was a suit for land within Clause 12 of the Letters Patent, and that he consequently had no jurisdiction to try it.

The Advocate-General, offg. (Mr. Paul) and Mr. Evans for the appellant.

Mr. Branson for the respondents Wordie and Longmuir.

Mr. Woodroffe and Mr. Macrae for the respondent Lightfoot.

Mr. Macrae and Mr. Macgregor for the respondent Morrell.

The Advocate-General.—The Court has power to grant the relief prayed for in this suit: it is not a suit for land within the meaning of the Letters Patent. From the frame of the suit, the relief prayed for may be given, either by directing the trustee defendants to carry out the trusts of the deed, or by discharging the trustees and appointing a Receiver to carry them out. Neither of these orders would be beyond the jurisdiction of the Court. The Supreme Court had the power of dealing in the same way with land out of its jurisdiction as the Court of Chancery has; and the High Court, on its Original Side has, by Section 9 of 24 and 25 Vic., Cap. 104, the same power in this respect as the Supreme Court, except so far as it has been altered by Clause 12 of the Letters Patent. If not excluded by the words of that clause this suit will lie. It is submitted that "suit for land" means "suit for possession of land." Suits in which a Court of Equity makes orders *in personam*, though the subject-matter of the suit is out of the jurisdiction are not considered suits for land—*Penn v. Lord Baltimore*.<sup>\*</sup> So an order for carrying out the trusts of the deed in this suit would not be a suit for land. [Garth, C. J.—Refers to *Abbott v. Abbott*,<sup>†</sup> where it was held that an

order directing a Receiver to sell land out of the jurisdiction was not *ultra vires*.] The latest case is *Juggodumba Dossee v. Puddomoney Dossee*.<sup>\*</sup> All these cases show that merely because a declaration is made with respect to land in a suit, that does not make it a suit for land—there are suits in which such declarations may be made which are not suits for land. As to the cases here this Court has held it has power to declare a trust in respect of lands in the mofussil.—*Bagram v. Moses*.<sup>†</sup> Suits for foreclosure and redemption are not suits for land, though there have been decisions the other way. See *Bibee Jaun v. Meerza Mahomed Hudee*<sup>‡</sup> and *S. M. Lalmoney Dossee v. Juddonath Shaw*.<sup>§</sup> The latest English decision however holds that such suits are not suits for land—*Pyget v. Ede*.<sup>||</sup> And where there is no prayer for possession, as if the mortgagée is in possession, a suit for foreclosure is not a suit for land—*Blaquiere v. Ramhone Doss*.<sup>¶</sup> The decisions of the Courts here as to such suits must not be considered conclusive. [Garth, C. J.—Have there been any cases here in which the Court has decreed specific performance of contracts relating to land?] Yes, in *Ramhone Shaw v. S. M. Nobumoney Dossee*,<sup>\*\*</sup> such a suit was entertained where the parties were resident in the jurisdiction. [Pontifex, J.—Refers to *Carteret v. Petty*,<sup>††</sup> where a partition of lands out of the jurisdiction of the Court of Chancery was refused.] A decree for an account however was given in that case, see also *Houlditch v. Donegal*<sup>‡‡</sup> and Seton on Decrees, page 1038. It is submitted then that the Court has power to order the trustees to carry out the trusts of the deed. But the plaintiff contends further that the Court has power to remove the trustees and appoint a manager to carry out the trusts. The words of the Charter do not deprive the Court of jurisdiction it had previous to the Charter, nor has such jurisdiction been otherwise taken away. The Supreme Court had power to make such orders where the land was out of the jurisdiction—*Doe d. Bampton v. Petumber Mullick*,<sup>§§</sup> *Doe d. Muddoosudun Doss v. Mohenderlall Khan*,<sup>|||</sup> *Doe d. Chutloo Sick Jamadur v. Subbessur Sein*,<sup>¶¶</sup> and *Turramoney Dossee v. Kistnogovind Sein*.<sup>\*\*\*</sup> [Garth, C. J.—I have some doubt at present whether a "suit for land" means more than a suit for possession of land, and whether it includes suits relating to or concerning land. Here however you ask for possession. I can understand a Receiver being appointed to

\* 15 B. I. R., 318.

\*\* Bourke, 218.

† 1 Hyde, 284.

†† 2 Swanst., 323 note.

‡ 1 I. J., N. S., 40.

‡‡ 8 Bligh., 301.

§ Id., 319.

§§ 1 Bignell, 24.

|| L. R. 18, Eq., 118.

||| 2 Boul., 40.

¶ Bourke, 319.

¶¶ Id., 151.

\*\*\* 2 Morley's Digest, 61.

\* 1 Ves. Sen., 444; S. C., 2 White and Tudor's Eq. Cas., 4th Ed., 923.

† L. R., 6 P. C., 220.

receive rents where another person is in possession: but here you want the Receiver put in possession.] It is not a question of getting an order for possession; the trustees might be discharged conditionally on their putting the Receiver in possession. The plaintiff does not want the trustees removed at all, unless they are desirous of being discharged.

As to the defendant Lightfoot being out of the jurisdiction, that does not prevent the suit from proceeding. See *per Peacock, C. J.*, in *Sterling v. Cochrane*.<sup>\*</sup> On the ground of convenience the arguments in favor of the suit being tried in this Court are unanswered. A Mofussil Court could not carry out the trusts, or give the plaintiff the relief he prays for.

*Mr. Evans* on the same side referred to several cases in which the Court had made orders with respect to land out of the jurisdiction—*Macrae v. Macneill*, decided by Macpherson, J., on 14th May 1873. It was attempted in that case to distinguish it from *Bagram v. Moses*,<sup>†</sup> inasmuch as in the latter case the defendant was personally subject to the jurisdiction, whereas in *Macrae v. Macneill* he was not. Macpherson, J., there dealt with the question of the title to the land, but refused to give possession. *Macdonald v. Scott*, 15th September 1873, decided by Macpherson, J., in which a right was decided as to a share of a Tea Garden in Assam, and a case of the same name before Pontifex, J. [Pontifex, J.—There the point was not taken.] No, but land out of the jurisdiction was dealt with—*In re the Tagore estate*, where the old trustees were removed, and the Official Trustee was appointed trustee of lands at Rungpore. The Bombay High Court has held that a suit for the rent of lands in one district may be brought in another district where the defendant resides, although the plaintiff's title to the lands may incidentally come into question—*Chintaman Narayan v. Madhavarav Venkatesh*.<sup>‡</sup>

*Mr. Macrae* for the respondents Morrell and Lightfoot.—The cases cited by *Mr. Evans* are distinguishable in that the primary object of those suits was not for land. They come within the principle of the case of *Penn v. Lord Baltimore*,<sup>§</sup> which we do not dispute. The person suing here is identical with the trustees: the plaint is verified by one of the defendants. Longmuir, the agent of the plaintiff Bank, is suing himself as one of the trustees. The trusts the plaintiff seeks to have carried out in this suit are such as are calculated to give the trustees in an indirect way beneficial possession of the land: that is the real scope and intention

of the trust deed. [Pontifex, J.—Cannot we make a declaration of trust?] Not at any rate until the deed has been proved to be valid against Lightfoot: that is one of the questions raised by him. The whole case must be taken as stated in the pleadings. As in a recent case—*The East Indian Railway Company v. The Bengal Coal Company*\*—the plaintiff may, on the face of it, show jurisdiction, but, when the defence is disclosed, it may appear to be a suit for land. [Garth, C. J.—Suppose it were proved that Lightfoot is bound by the deed, would not the Court have jurisdiction to give what is asked for?] No, not to carry out the trusts of the deed: because to carry them out would be dealing with land in a way which is prohibited by the words of Clause 12 of the Letters Patent, i. e., entertaining a suit for land out of the jurisdiction. [Garth, C. J.—If Lightfoot is bound his interest is in the trustees, and the Court might make an order that the trustees should carry out the trusts of the deed.] If Lightfoot were not a party to the suit, it would be a different suit: as it is, the real object is to obtain a declaration that a portion of the land is not Lightfoot's, but belongs to the trustees, on the allegation that Lightfoot transferred it to them.

The words of Clause 12 "suit for land" are, no doubt, vague, but a long course of decisions has interpreted them as meaning more than "suit for possession of land." There is no need to go back to see what the jurisdiction of the Supreme Court was, as it brings us to the same question as to whether it is a suit for land. The latest case is *The East Indian Railway Company v. The Bengal Coal Company*,<sup>†</sup> the object of which was to settle disputed boundaries. [Garth, C. J.—That was clearly a suit for land. Is a suit for trespass to land a suit for land? It is so in England, for it is often brought admittedly to try title to land. *The Advocate-General—Rajmohan Bose v. The East Indian Railway Company*<sup>‡</sup> decided that a suit for trespass to land was not a suit for land.] That was the case of a nuisance, not of trespass to land. In *In re Leslie*,<sup>§</sup> it was held that a suit on a mortgage for a decree for the amount due on it, or in default of payment for sale of land, was a suit for land; and see the cases referred to by Markby, J., in that case at page 177. In *Denonath Sreenony v. Hogg*,<sup>||</sup> it was held that the Court could not deal with land in the Mofussil, even though it was in the possession of the Court Receiver. *Juggodumba Lossee v. Puddomoney Dosses*<sup>¶</sup> was decided on the ground that the deed gave none of the parties any beneficial interest in the land: besides there all the parties were personally

\* 1 B. L. R., O. C., 125—127.

† 1 Hyde, 284.

‡ 6 Bom. H. C., A. C., 29.

§ 1 Ves. Sen., 444.

• I. L. R., 1 Cal., 95.

§ 9 B. L. R., 171.

† I. L. R., 1 Cal., 95.

|| 1 Hyde, 141.

‡ 10 B. L. R., 241.

¶ 15 B. L. R., 318.

subject to the jurisdiction. *Bagram v. Moses\** decided that the Court had jurisdiction to declare that a party held land subject to a trust. We don't wish to question that. But more than that is wanted in this case. In *Ramdhuneshaw v. Nobumoney Dossee†* the contract was made within the jurisdiction. *Sterling v. Cochrane‡* on the facts does not uphold the position it was cited to support. Whenever the main object of the suit is the possession of land, the suit is a suit for land. That was not the object in *Abbott v. Abbott§* and therefore the Court held it had jurisdiction to make an order as to the land. The main object of this suit is to take land from Lightfoot and Morrell, and vest it in the trustees. It is submitted it must be held to be a suit for land.

Mr. Branson rose to address the Court for the trustees, but on the objection of Mr. Woodroffe that he ought not to be heard at this stage, the plaintiff Bank and the trustees being in the same interest, the Court refused to hear him.

Mr. Evans in reply pointed out that there was no identity between the plaintiff Bank, and Longmuir as a trustee. The Bank was a creditor, but nothing was due to Longmuir. The other side say they don't desire to question the decision in *Bagram v. Moses||* Now here the trustees are in absolute possession of at any rate fourteen-sixteenths of this property and of the other two-sixteenths as partnership assets. Cannot the Court make a declaration of trust, which can be carried out? [Garth, C. J.—But they have not possession of the two-sixteenths if Morrell had no power to transfer it to them.] Morrell transferred it to them for his partner. If the Court has jurisdiction, is that jurisdiction to be ousted because a third person comes in and claims a portion? If our allegation that Lightfoot joined in transferring his interest gives the Court's jurisdiction, traversing that allegation does not take away the jurisdiction, but the issue should be tried whether or not he did transfer his interest. [Garth, C. J.—It appears to me that as to the two-sixteenths it is a suit for land, and even as to the rest, I have great doubt whether it is not. What do you say as to Lightfoot's share?] It is vested in the trustees as a part of the partnership assets, the assignment of which might give Lightfoot a right to dissolve, or perhaps create a dissolution. If there is some portion of the land in the possession of the trustees, as to which the suit is not a suit for land, then it is submitted the Court has jurisdiction, although the title to another portion arises incidentally—*Chintaman Narayan v. Madhuvrav Venkatesh¶*

[Pontifex, J.—I am by no means certain that as to the fourteen-sixteenths it is not a suit for land.] The trustees have accepted the trust, the assignor admits that they are trustees, and that he has assigned to them, and they are admittedly in possession of that portion. That is the case of *Bagram v. Moses\** an admitted trust by persons in the jurisdiction. Can the Court then not make a personal order on the trustees? [Pontifex, J.—In the case of *Juggadumba Dossee v. Puddomoney Dossee†* express care was taken in the decision to make it plain that there was not in any of the parties any beneficial interest in the land.] In that case, there was a claim to manage the land against parties who were in possession. Management of land implies practically possession of land. The order made in that case was one which made a change in the management or possession of land, and was therefore one affecting land. If Clause 12 is to paralyse the Court's action in every case in which there happens to be a piece of land out of the jurisdiction, great inconvenience will arise: for there is no other Court which could try such suits or which can give us the relief we ask for in this. The mere existence of a trust is a sufficient cause of action to enable the *cestui-que* trust to ask a Court of Equity to administer it. On the decisions of this Court, it is clear the Court has power to deal with a suit, even though a question of title to land out of the jurisdiction should arise incidentally. Here there is a good trust as to a large portion of the property. The principle of *Bagram v. Moses\** is the proper one to apply to such a case as this.

*Cur. adv. vult.*

The judgment of the Court was delivered by  
GARTH, C. J.—In this case, we think that the judgment of the Court below should be affirmed, upon the ground that the Court had no jurisdiction to entertain the suit.

The plaintiffs were, at the commencement of the year 1875, creditors of the defendants Morrell and Lightfoot to a very large amount. Morrell and Lightfoot were the owners at that time of certain land in the districts of Backergunge and Jessore, Morrell being entitled to a 14-anna share, and Lightfoot to a 2-anna share, in those lands. Morrell and Lightfoot were indebted, at that time, to several creditors, and the defendant Lightfoot, had left this country, and given Morrell certain powers-of-attorney to act for him during his absence. In this state of things, on the 14th May 1875, Morrell, acting not only for himself, but professing to act for Lightfoot also, under the powers-of-attorney, executed in Calcutta a deed by which he conveyed the said lands (amongst other property) to the defendants Wordie and Longmuir, in

\* 1 Hyde, 284.

† Bourke, 218.

‡ 1 B. L. R., O.C., 125.

§ L. R., 6 P. C., 220.

|| 1 Hyde, 284.

¶ 6 Bom. H. C., A. C., 29.

\* 1 Hyde, 284.

† 15 B. L. R., 318.

trust, to call in such part of the property as consisted of money, and to sell and convert into money all the rest of the property, including the said lands; and, out of the money so to be realized, to pay the creditors of Morrell and Lightfoot, either in full, or ratably, as far as the money would go.

The defendants Wordie and Longmuir took upon themselves the trusts of the deed, and appointed Morrell their agent, to manage the property until the sale under their direction. The trustees, however, found considerable difficulty in carrying out the trusts; and the defendant Lightfoot, upon hearing of the deed, repudiated the transaction altogether, and denied, and still denies, Morrell's authority to deal thus with his share of the property under the powers-of-attorney. Upon this, Wordie and Longmuir were unwilling to proceed any further in the execution of the trusts, and were desirous of being discharged from their responsibilities under the trust deed; whereupon the plaintiffs, as creditors largely interested under that deed, instituted this suit, praying that the trusts of the deed might be carried into effect, that the trustees might be relieved from the execution of the trusts, and that a Receiver or Manager might be appointed to carry out the trusts under the order of this Court.

To this suit an objection has been raised, on behalf of the defendants Morrell and Lightfoot, that the Court has no power to entertain such a suit, inasmuch as it is a "suit for land" within the meaning of the 12th clause of the Charter, the land being situated in the mofussil.

The plaintiffs contend that this is not so; that the lands, which are sought to be affected, are only a portion of certain partnership properties belonging to Morrell and Lightfoot; and that the object of the suit is merely to enforce the carrying out of a trust created by Morrell for the joint benefit of Lightfoot and himself, and in order to effect a beneficial arrangement with their joint creditors.

In support of this view, several authorities have been cited on behalf of the appellants, all founded more or less upon the principle laid down by Lord Hardwicke in *Penn v. Lord Baltimore*\* and in the notes upon that case, that Courts of Equity will exercise their powers *in personam*, in the case of trustees and others resident within their jurisdiction, to oblige such persons to perform trusts, to carry out contracts, and to obey the rules of equity, even where the subject-matter of the trust, or contract, or equity, may be land situate out of their jurisdiction; see *Bagram v. Moses*,† and *Paget v. Ede*.‡

But those cases are all more or less distin-

\* 2 White and Tudor's Eq. Cas., 4th Ed., 923.

† 1 Hyde, 284.

‡ L. R., 18 Eq., 118.

guishable from the present, which depends not so much upon the jurisdiction generally exercised by Courts of Equity, as upon whether this suit is brought substantially "for land;" that is, for the purpose of acquiring title to, or control over, land, within the meaning of a particular clause in the Charter; and we think, having regard to what is the real object of the suit, and to what are the rights and contentions of the respective parties, it is impossible to say that this is not substantially a suit for land.

The express purpose of the suit is to compel the sale of the whole of the land conveyed by the trust deed, including Lightfoot's share. But then Lightfoot objects that his share is not subject to the trust at all, because Morrell had no power, or authority, to deal with it; and, therefore, one of the main points which the plaintiffs seek to establish, and which they ask the Court to decide, is the title of the trustees to Lightfoot's share. Surely, in that respect the suit is, strictly speaking, one "for land."

But then the plaintiffs say that is not the sole, or primary, object of the suit; and that, as regards Morrell's share in the property, which is by far the largest portion of it there is no question as to the trustees' title. But it was repeatedly, during the argument, put to the learned Counsel for the plaintiffs, and distinctly admitted by them, that it would be impossible for the Court to deal effectively with the case, unless Lightfoot's share were included, as well as Morrell's.

That being so and the suit being confessedly instituted for the purpose of dealing with the lands in their entirety, and these lands being by far the larger portion of the partnership assets, we are of opinion that this is in substance a suit for land within the meaning of the clause in question, and that the judgment of the Court below was perfectly correct.

The appeal will therefore be dismissed with costs on scale No. 2.

Attorney for the appellants : Mr. Adkin.

Attorneys for the respondents : Mr. Knowles, Mr. Upton, and Messrs. Dignam and Robinson.—*The Indian Law Reports*, Vol. I, p. 249.

#### [Appellate Civil.]

JACKSON AND McDONELL, JJ.

*Lessor and Lessee—Lease granted while Lessor is out of Possession—Rights of Lessee—Suit for Possession.*

*A transfer of property, of which the transferor is not at the time of the transfer in possession, is not ipso facto void.*

*Where a patnidar, while out of possession of the patni estate, granted a durpatni therenf.*

**HELD,** that the durpatnidur's suit against third persons, who were in possession of the estate, to recover possession would lie, it appearing that the plaintiff had paid an adequate consideration for the durpatni, and that the durpatni potta was not evidence of a contract to be performed in future on the happening of a certain contingency, or that if it were so that the plaintiff had done all he was bound to do to entitle him to specific performance of the agreement by the patnidar.

*Lokenath Ghose v. Jugobandhoo Roy.\**

THE plaintiff sued for a declaration of his durpatni and charpatni rights in certain estates and for possession. He alleged that he had obtained in 1278 (1871) a durpatni of an 8-anna share in the properties mentioned in the plaint from Grish Narain Roy and Mohendro Narain Roy, the heirs of Bykunt Nath Roy the patnidar of the said share; that he afterwards granted a sepatni of one of the estates to one Krishto Bullubh Roy and again took from the latter a charpatni; and that on attempting to take possession of the estates, he was opposed by the defendants.

The defendants contended, amongst other things, that the ikrar of 1278 from Grish Narain Roy and Mohendro Narain Roy in the plaintiff's favor showed that the plaintiff's title had not become complete and that neither Bykunt Nath Roy nor his heirs Grish Narain and Mohendro Narain were ever the owners of the patni or in possession thereof, and that the plaintiff had never obtained possession of the estates granted in durpatni.

The original ikrar of 1278, was not forthcoming, but a copy was put in evidence which, so far as material, was as follows:—

"*1st. I shall pay rent for the durpatni mehal from the date on which I shall get possession thereof, and within one month from the date of my obtaining possession, I shall pay the balance of the consideration money for which I have given a bond. If I fail herein, I shall pay with interest at the rate of one per cent per month. If from any cause the crops of the entire mehal or of any portion of it are injured in the future, I shall get back from you with interest at the rate of one per cent per month consideration money in proportion to the injury which my interest will suffer, and you will also grant an abatement of rent in that proportion.*

"*2nd. From this time I shall pay out of the amount due to the zemindar whatever you have to pay into the Collectorate under assignment regarding the zemindar's sunder rent as per towji of the mehals mentioned in the patni-potta and the profit which after deducting the same, you have to pay to the zemindar. If I do not get possession of the durpatni mehals at present, you will pay me the rent which will be paid to the Collectorate and the zemindar during the said period of dispossession, with interest at one per cent per month from the amount which you will receive from other parties on account of wasilat for the period that I may be out of possession in my durpatni time. If that be deficient you will pay me yourselves. After deducting from the said durpatni rent the Collectorate rent of Rupees 5,223-5-5 and the zemindar's profit of Rupees 2,731-10-7 mentioned above, which I shall pay from the date on which I shall get possession of the entire mehal, I shall go on paying you the remaining profit of Rupees 1,100. If I fail to pay the Collectorate and zemindar's rent, and the mehal is consequently sold by auction, I shall be responsible for the loss or damages which will result therefrom.*

"*3rd. If for obtaining possession of this property I or you have to institute any suit in the Court or in the Collectorate, I shall pay the amount of costs and you will pay me that amount. If the suit is decreed you will receive the costs which will be stated in the decree and the wasilat for the period of dispossession and if it is dismissed you will pay the costs which will be incurred by the opposite party and there will be no concern with me."*

The plaintiff paid the consideration for the durpatni partly in costs and partly by a bond, the due date of which had not arrived when this suit was brought.

It was admitted on the part of the plaintiff that Grish Narain Roy and Mohendro Narain Roy were not in possession when they granted the durpatni.

The first issue tried by the Subordinate Judge, and the only issue material for the purpose of this report, was whether under the terms of the ikrar executed by Grish Narain and Mohendro Narain in favour of the plaintiff the plaintiff's suit for possession would lie. This issue he decided in the plaintiff's favor, holding that the rulings cited by the defendant, viz., *Raja Sahib Prahlad Sen v. Budhu Sing\** and *Banee Bhabosvondree Dasseuk v. Issur Chunder Dutt†* did not apply, the facts of the present case being quite dissimilar, and that he considered

\* Regular Appeal, No. 211 of 1874, against a decree of the Subordinate Judge of Zilla Moorshedabad, dated the 30th of June 1874.

† 2 B. L. B., P. C., 111 at p. 117; S. C., 12 Moore's I. A., 275 at p. 307.

† 11 B. L. R., 36.

the cases of *Pran Kristo Dey v. Bisumghur Sen\** and *Tara Soonderry Debya v. Shama Soonderry Debya†* to be authority for the position that a transfer by one who has a right of possession, but who is not in possession, is not void on that account, and that in the present case there was no suggestion even that the plaintiff had not done all he was bound to do, and, as he had been distinctly empowered by his lessor to sue alone, that the transfer to him was complete, and that the present suit would lie. Having also decided the other issues in the plaintiff's favor he gave him a decree for possession of the half share of the several mehals. From this decision the principal defendant appealed.

Baboo Gopal Lal Mitter and Lucky Churn Bose for the appellant.

Baboo Mohun Roy, Gooroodoss Banerjee, and Kishore Mohun Roy for the respondent.

The arguments raised and the cases cited appear in the judgment of the Court which was delivered by

JACKSON, J., (who, after stating the facts and the holding of the Subordinate Judge on the first issue tried as above, and briefly stating the findings on the other issues, continued) :—In appeal the first point argued was that the Subordinate Judge ought to have dismissed the plaintiff's case on the strength of the Privy Council Rulings cited by the (defendant) appellant. Great stress was laid upon the fact that Grish Narain and Mohendro Narain were admittedly not in possession at the time they granted the lease, which formed the basis of the plaintiff's claim, and it was pointed out that the ikrar, dated 17th Assar 1278, clearly showed that the full payment of the consideration was contingent on the result of this litigation, and that thus the suit was eminently a speculative one. The rulings cited by the (defendant) appellant before the Subordinate Judge as well as *Tara Soondaree Chowdhraian v. The Collector of Mymensingh‡*, *Ram Khelawun Singh v. Mussamut Oudh Kooer§*, *Boodhun Singh v. Mussamut Luteefun||* and *Bishonath Dey Roy v. Chunder Mohun Dutt Biswas¶* were referred to in support of the appellant's contention. Now the ruling in *Tara Soondaree Chowdhraian v. The Collector of Mymensingh‡* only shows that where the vendor was a defendant in the suit, and the agreement was only to sell as much as was recovered, the suit could not be maintained as contrary to public policy. In the ruling in *Ram Khelawun Singh v. Mussamut Oudh Kooer§* the principle laid down was that wherever a party executed a deed of sale of property not in his possession, this

should be held to be only a contract to sell. In *Bhoodhun Singh v. Mussamut Luteefun,\** it was ruled that an assignee of property is not entitled to recover against his assignor, on the footing of a champertous contract, and that an assignee of property, whose assignor was not in possession when the assignment was made, can only recover even from the hands of third persons upon showing that he should have a right to enforce specific performance of his contract against his assignor, if the property were to come back to the hands of the assignor. The ruling in *Bishonath Dey Roy v. Chunder Mohun Dutt Biswas,†* lays down the proposition that alleged purchasers whose vendors were not in possession, and who pay nothing for what is said to have been sold to them, are not competent to maintain a suit for possession of the property in dispute. The ruling in *Rajah Sahib Prahlaad Sen v. Budhu Singh‡* has been fully discussed by the Subordinate Judge.

None of these rulings in our opinion apply to the present case. The present case was not brought for the specific performance of a contract, and there is nothing to show that the plaintiff has not performed his part of the contract. The contract may be a speculative one, but there is nothing to show that the plaintiff purchased at a sum below the value of thing sold. The stipulation in the ikrar, regarding the refusal of part of the consideration money in case of loss of the thing sold tends to show that the price paid was adequate. There is nothing in the present case to show that the durpatui potta was evidence of a contract to be performed in future on the happening of a certain contingency, or that if it were so that the plaintiff has not done all he was bound to do, if a suit for the specific performance of the contract were brought. The ikrar in the present case shows that the transfer was in substance complete. The warranty clause at the end of the first paragraph shows not only that the consideration money was paid, but that under certain contingencies it would be refunded.

In none of the cases relied on by the appellant has it been held that a transfer of property of which the transferor is not at the time of such transfer in possession would be *ipso facto* void.

The rulings in *Bikan Singh v. Mussamut Parbutty Kooer§ Chedambara Chetty v. Renja Krishna Muthu Vira Puchanji Naiker,||* and *Gungahurry Nundee v. Raghubram Nundee¶* point to a contrary conclusion. In the first of these cases it was ruled that where a conveyance of property was made by a person who had been in possession and enjoyment for

\* 11 W. R., 81.

§ 21 W. R., 101.

† 4 W. R., 55.

|| 22 W. R., 535.

‡ 13 B. L. R., 495.

¶ 23 W. R., 165.

\* 22 W. R., 535. † 23 W. R., 165.

‡ 2 B. L. R., P. C., 111; S. C., 12 Moore's I. A., 275.

§ 22 W. R., 99. || 13 B. L. R., 509.

¶ 14 B. L. R., 307.

years before, and he was wrongfully ousted, the conveyance gave a right to sue for immediate possession. In the second the Lords of the Judicial Committee of the Privy Council pointed out that the statute of chancery has no effect in the mofussil of India; they held that the true principle was that stated by Sir Barnes Peacock, *viz.*, that the Courts in India administering justice in accordance to the broad principles of equity and good conscience, will consider whether the transaction is merely the acquisition of an interest in the subject of litigation *bona fide* entered into, or whether it is an unfair or illegitimate transaction got up merely for the purpose of spoil or of litigation, and carried on for corrupt or other improper motives.

In the third the ruling was still stronger; there it was distinctly held that delivery was not necessary to complete the title of the vendee; further that this was the general rule in India, and that under the Hindoo law a well defined usage acquires the force of law. Considering, therefore, that the latter rulings support the view taken by the Subordinate Judge, we hold that in the present case the plaintiff had a right to bring the suit.

(His Lordship after deciding the remaining issues in the plaintiff's favor dismissed the appeal with costs.)—*Idem*, p. 297.

#### JACKSON AND McDONELL, JJ.

*Limitation—Bengal Act VIII of 1869, Section 27—Suit for Possession with Mesne Profits—Defendants—Title.*

A suit for possession of certain lands “by establishing the plaintiff's howla right,” and for mesne profits, brought against a shareholder of the talook in which the lands are situated; a former talukdar and certain ryots who paid rent to the first defendant, is not a suit to recover the occupancy of the land from which the plaintiff has been illegally ejected by the person entitled to receive the rent, within the meaning of Section 27 of Bengal Act VIII of 1869, and is not governed by the limitation provided by that section.

*Khajah Ashanullah v. Ramdhone Bhutta-chargee.\**

Suit for possession of certain lands “by

establishing the plaintiff's howla right,” and for mesne profits. The defendants were the auction-purchaser of a share of the talook where-in the lands were situated, the late talukdar, and certain ryots who, the plaintiff alleged, had joined in ousting him from possession by paying rent to the first defendant.

Both the Lower Courts having decided the suit in the plaintiff's favor, the first defendant appealed to the High Court, on the ground, amongst others, that the suit ought to have been dismissed under Section 27 of Bengal Act VIII of 1869, inasmuch as it had been instituted more than a year after the date of dispossesion.

Baboo Chunder Madhub Ghose (with him Baboo Lall Mohun Dass), for the appellant, contended, that the suit was practically a suit against the landlord; that the second defendant had in fact acted as a servant of the first defendant; and that the joinder of the ryots made no difference, since the suit was to recover possession, and was not a suit for rent; and that, therefore, the provisions of Section 27 of Bengal Act VIII of 1869 were applicable.

Baboo Hurry Mohun Cluckerbutty, for the respondent, contended that the section cited did not apply to the present suit, because the first defendant was only one of several shareholders and not a person solely entitled to receive the rent; secondly because the plaintiff also claimed mesne profits, and lastly because the tenants were joined as defendants—*Mugnes Roy v. Lalla Khoonee Lall*.\* The corresponding section of Act X of 1859 (Section 23, Clause 6) has been held to be inapplicable to suits in which the plaintiff sets out his title, and seeks to have his right declared and possession given him in pursuance of that title—*Gooroodoss Roy v. Rumnarain Miller† and Baboo Lalljee Sahoo v. Baboo Bhuguram Doss.‡*

Baboo Chunder Madhub Ghose in reply.

The judgment of the Court was delivered by

JACKSON, J.—It appears to us that this is not a suit to which the provisions of Section 27 of Bengal Act VIII of 1869 could be applied for the purpose of barring the suit as not brought within one year. Whatever other difficulties that section may present in regard to suits differing from the present one, we think there are many circumstances which prevent the application of it here. In the first place, it is not simply a suit to recover the occupancy of land from which the plaintiff has been dispossessed by the person entitled to recover the rent. There is a certain complication in the facts alleged, because the plaintiff

\* Special Appeal, No. 1163 of 1875, against a decree of the Second Subordinate Judge of Zilla Backergunge, dated the 5th April 1875, affirming a decree of the Additional Munsiff of that district, dated the 19th September 1873.

† 6 W. R., Act X Rul. 19.

‡ B. L. R., Sup. Vol., 628.

‡ 8 W. R., 937.

claims a howla right of which the principal defendant altogether denies the existence. He sues Khajah Ashanullah, who is not the sole Zamindar, but one of the persons entitled to the rent. He sues also Ram Coomar Sen, the previous talookdar of this estate, and he also sues the several persons who are now paying rent to Khajah Ashanullah. The case is not therefore merely whether the plaintiff has been unduly ejected from a subsisting tenure, but whether the Courts will find and establish by their adjudication a howla right which the plaintiff asserts and the defendant denies. The plaintiff also seeks to recover wasilat. Taking all these circumstances together, it appears to us that this is not a suit of the simple nature referred to in Section 27, and that clearly limitation would not apply. But beyond that it may be observed that this question is now raised for the first time in special appeal. The only kind of limitation set up by the present special appellant in his answer to the suit was that of twelve years. He denied that the plaintiff had been in possession of the land in any shape within twelve years previous to the suit. That allegation has been disallowed by both the Courts. I may observe that the defendant's written statement in this suit has been verified by his mookhtear. No doubt, there are certain kinds of cases in which an extensive landholder may be allowed to make the verification by his local agent, but there are many allegations in this case which the defendant ought to have personally admitted by signing the verification himself, and I do not think that the Court should, in the exercise of its discretion, allow written statements such as the present one to be verified by the mookhtear. For all these reasons, we think that the plea now set up must fail, and as there is no other point relied upon, this appeal must be dismissed with costs.—*Idem*, p. 325.

#### HER MAJESTY'S PRIVY COUNCIL.

##### [BENGAL CASE.]

*Suit to recover possession of land—Lapse of twelve years.*

*A* sued for recovery of possession by adjudication of right against *B*, *C* and *D*, for registration of name in the Collector's Office, and for the cancellation of some alleged fraudulent deeds of sale. It appeared that *B* was *A*'s agent, and as such was entrusted with her seal and papers, and the deeds of sale alleged by *A* to be fraudulent purported to be deeds of sale by her to *C* and *D*, *B*'s sons. This alleged

*sale was not impeached until nearly twelve years had expired, and during that time *C* and *D* enjoyed possession.*

*HELD, on the evidence, that all had been done with due publicity; that *C* and *D* took possession of the mouzahs, and that neither the sale nor the possession was impeached for nearly twelve years; and that *A* had failed to make out her case.*

Judgment of the Lords of the Judicial Committee of the Privy Council on the appeal of *Mussamut Mehdli Begum and others v. Roy Huri Kishen and others* from the High Court of Judicature at Fort William in Bengal, delivered 28th June 1876.

Present.

SIR BARNES PEACOCK.

SIR MONTAGUE E. SMITH.

SIR ROBERT P. COLLIER.

THIS suit is brought by *Mussamut Mehdli Begum*, the maternal grand-daughter and heir of a lady called *Mussamut Fahimoonissa*, and her father, *Lootf Ali*, against *Roy Huri Kishen* and his two sons. It is material in this case to refer to the plaint to see what is the nature of the claim and of the relief prayed. It is "claim for recovery of possession by adjudication of right against the defendants, and for registration of name in the Collector's Office in respect of the mouzahs and shares of the mouzahs mentioned below, situated in the districts of Tirhoot and Patna, by cancellation of a fabricated and fraudulent sale-mokhtaruama, dated the 13th December 1858, purporting to have been executed by *Mussamut Fahimoonissa alias Bibi Amun*, and the fraudulent deed of absolute sale, dated the 17th December 1858, which appears to have been executed on the basis of the sale-mokhtaruama, and also by cancellation of the mutation proceeding." The plaint then alleges, with some detail of circumstances, that *Huri Kishen* became the manager of *Fahimoonissa*'s estates, and as such agent was entrusted with her seal and papers. It then goes on, "Your petitioners, heirs to the said lady, having obtained a certificate, dated the 4th August 1863, under Act XXVII of 1860, asked the first party defendant, in the beginning of January 1865, to pay them rent, render an account of the amount collected from villages, and return the said *Mussamut*'s seals and papers. But the said defendant, who, having the said lady ancestor's seal in his custody, had clandestinely and fraudulently, and through his dependent *Lala Jaisuri Lall* as mokhtar, prepared the fraudu-

"lent and fabricated documents sought to be set aside in the names of his sons, the second party defendants, under his guardianship, put forward the said documents, and did not return the seal, &c., or render an account of the money collected from the villages. Your petitioners then made inquiries in the Registry Office, Collectorate, &c., and became certain of the fraud and of the fabrication of the said deeds. From the time of the discovery of the fraud your petitioner's dispossessio[n] occurred." Then it alleges, "The sale-mokhtarnama and the deed of sale are fabricated and fraudulent. The said lady ancestor never executed them, nor received the consideration money."

The written statements of the defendants assert the genuineness of the deeds. Paragraph 8 states, "The deed of sale and the mokhtar-nama were executed and delivered with the knowledge of Fahimoonissa, the mutation of names was effected by the 'ikrar' (acknowledgment) of the lady herself, and on the depositions of an identification by Lootf Ali himself, the plaintiff No. 1, and Mirza Wahid Ali, the husband of the plaintiff No. 2, and the receipt of the consideration money was attested by the said person and other respectable men, and delivered. The allegations of fraud and absence of knowledge of the plaintiffs and Fahimoonissa are utterly false and incorrect. The sale-mokhtarnama has been duly attested." Then the 9th paragraph states, "Your petitioners' purchase, made entirely in good faith, and on payment of the fair consideration money, is valid."

The deeds sought to be set aside are a mokhtarnama, dated the 13th December 1858, given by Fahimoonissa to Jaisuri Lall, empowering him to sell the mouzahs to the defendants, the sons of Huri Kishen, for Rupees 71,000; and also a deed of sale, dated on the 17th December in the same year, executed in pursuance of the mokhtarnama. Fahimoonissa died in 1863. On the 4th of August of that year a certificate under Act XXVII of 1860, upon the petition of the plaintiff Mehdi and her father Lootf Ali, claiming to be the heirs of the deceased lady, was granted to them. Lootf Ali, although his daughter is really the heir, is joined with her in this suit, which was not commenced until December 1870, nearly twelve years after the transactions sought to be impeached. No demand appears to have been made on the defendants in the interval; for, although it is alleged in the plaint that a demand was made on Huri Kishen to account for the rents received from the villages, none has been proved.

The case of the plaintiffs was that Huri Kishen had originally conveyed eight of the nine mouzahs in question to Fahimoonissa for valuable consideration. Two deeds were put

in; one dated the 13th November 1853, by which Huri Kishen, to satisfy a debt alleged to be due to the lady, conveyed the three mouzahs which it is stated he had purchased under a decree. The other deed is dated the 26th March of the same year, by which five mouzahs obtained by Huri Kishen under similar circumstances were conveyed by him to her, also to satisfy an alleged debt. With respect to another mouzah, evidence was given to show that it was purchased in the lady's own name under a decree she had obtained against one Surroop Narain Singh and others. The plaintiffs' case further was that Huri Kishen acted as the manager of the lady, received the rents of the villages, and conducted the suits relating to them. It is alleged that he became possessed, for the purposes of this agency, of her seal and papers, and was thus enabled to fabricate the deeds sought to be set aside. The witnesses of the plaintiffs say that he paid the monies received on account of those villages to Fahimoonissa down to her death, and even afterwards.

The defendants do not rest their defence on a denial of all title in the lady to the property; and, indeed, by relying upon the deeds of sale, and by asserting that they were made for a consideration which was actually paid, they virtually admit that she had some right in it. This consideration renders it very difficult to sustain the judgment of the High Court on the broad ground on which it is put, namely, that the original instruments of sale to Fahimoonissa, and the deeds of re-sale by her to Huri Kishen's sons, were all colourable; that the mouzahs were originally vested in Fahimoonissa as nominal owner, to be held by her because to protect them from Huri Kishen's creditors; that he received the rents and managed the property on his own account, and not as the lady's agent, and that the re-conveyance impeached was executed for the purpose of re-vesting them in his sons by his direction as the real owner. This is an entirely new case, not made by the defendants, nor did it form the ground of the judgment of the Subordinate Judge. Still, whatever may be the title under which Fahimoonissa held the estates, the plaintiffs who come into Court to impeach deeds duly registered, to cancel the mutation of names, and to disturb long possession, have taken upon themselves the burden of sustaining their allegation that the deeds are forged, or that, if executed by Fahimoonissa, they were obtained from her by fraud. This case is traversed by the defendants, and is directly involved in the fifth issue.

The delay in bringing the suit has deprived the defendants of the evidence of the mokhtar Jaisuri Lall and the attesting witnesses to the mokhtarnama, who all died before the hearing. But several of the attesting witnesses to the

bill of sale were called to prove that it was in fact executed and acknowledged both by the mokhtar and the lady. It is said that it was highly improbable that it should be acknowledged by the lady herself after she had empowered Jaisuri Lall to make the sale; but it may have been thought desirable to obtain her own declaration. There are, no doubt as pointed out in the Court below, inconsistencies and contradictions in the testimony of these witnesses, even making allowance for the lapse of time, which might have rendered it unsafe to act upon it, if it had stood alone. But it does not stand alone. It is corroborated by other authentic evidence and by the undisputed circumstances attending the transaction. The moktarnama was verified before registration by the Nazir of the Registrar's Office of Patna, who took the deposition of the attesting witnesses, and afterwards went to Fahimoonissa's house, and obtained her acknowledgment of it. She no doubt, was behind the purdah; and the witnesses who identified her may have deceived the Nazir; but the verification was made in the usual official manner, and may be presumed, in the absence of proof to the contrary, to have been properly done.

The proceedings for mutation of names afford still stronger corroborative evidence. Another moktarnama, dated 26th December 1858, was given by the lady to Jaisuri Lall, empowering him to make the mutation, and was verified by the attesting witnesses at the Collector's Office. On the 30th May 1859 a Nazir of the Collector's Office went to Fahimoonissa's house, and took her acknowledgment that she had sold the mouzahs to the defendants. The acknowledgment is recorded in these terms:—"I have sold "the whole and entire eight annas of the entire "sixteen annas of the proprietary (malikana) "and (alrumgha) rights of each of the mou- "zahs," specifying them, "in conjunction with "other mouzahs attached to zillah Tirhoot, for "Co.'s Rupees 71,000, the purchase money, to "Roy Jai Kishen and Roy Radha Kishen, "minor sons under the guardianship of Roy "Hari Kishen, by a deed of sale dated the 17th "December 1858 A.D., and have received the "purchase money in full. I have no objection "to the name of the vendees being recorded in "the Government Office by the expunction of "my name.—*Question.* Is the seal in your "possession?—*Answer.* Yes, it is." This acknowledgment is witnessed by the plaintiff, Lootf Ali, the son-in-law of the lady, and the father of the plaintiff Mussamat Medhi, and by her husband Wahed Ali; and their depositions made at the time have been produced from the records of the collectorate. Lootf Ali says, "I "know and recognise Mussamat Fahimoonissa "alias Bibi Amun, vendor, who is now mak- "ing a declaration as to her having sold the "aforesaid mouzah for Rupees 71,000 to

"Roy Jai Kishen and Roy Radha Kishen, "sons of Roy Hari Kishen, and received "the consideration money in full, and to her "having no objection to the registration of the "names of the vendees by the expunction of "her own name. *Question.* How did you come "to know her?—*Answer.* Mussamat Fahimoo- "nissa, alias Bibi Amun, the vendor, is my "mother-in-law, and comes before me; hence I "know her."

The report of the Nazir, Hadi Ali Khan, has been produced from the collectorate, and this officer was himself examined as a witness in the suit; he says at page 209 of the record, "I "went to the very place of Fahimoonissa in "Dewan Mahalla, one of the quarters of Patna, "and duly took down her admission as to her "having made a sale. Fahimoonissa made an "admission as to her having effected a sale, "but I do not recollect of what mouzah the "deed of sale was; it is, perhaps, in my report. "Syud Lootf Ali and Mirza Wahed Ali, the "relatives of Mussamat Fahimoonissa, identi- "fied her; and Mir Lootf Ali affixed the seal of "Mussamat Fahimoonissa at the foot of her "admission. I can recognise Mir Lootf Ali "and Mirza Wahed Ali if I see them." Then he says, "I submitted a report to the Collec- "tor after having taken down the admission "of Mussamat Fahimoonissa. The copy which "I now see and read in the record is copy of "that report." It may be observed that Lootf Ali was summoned in this suit to be identified by the Nazir, but excused himself from appearing on the ground that he was sick. The Subordinate Judge thinks this excuse was false, and that he kept away to avoid being confronted with the Nazir. It is impossible to have better proof of the acknowledgment of a lady than this evidence affords. The officer who was deputed to take it appears to have done his duty. The Subordinate Judge says of him, "The open and candid manner in which "Mirza Hadi Ali has deposed satisfies me of his "veracity." The witnesses who identified the lady were her nearest male relatives, to whom she was accustomed to appear, and were at the same time those who would be concerned in protecting her property. Whilst, therefore, their Lordships are fully alive to the importance of watching with extreme care the proof of transactions relating to the property of a Purdanashin, it appears to them credit ought in this case to be given to the evidence, that the acknowledgment of the lady was in fact made as stated by the Nazir.

It further appears to be satisfactorily proved that the possession and enjoyment of the property since the date of the conveyance have been consistent with it; and their Lordships do not believe the witnesses who say that the rents were paid to Fahimoonissa up to the time of her death. The Subordinate Judge came

to the clear conclusion that the document of sale of 1858 had been executed by the authority and with the assent of Fahimoonissa ; and their Lordships see no reason to doubt the soundness of this conclusion. One of the Judges also of the High Court, Mr. Justice Phear, appears to have thought that the documents were really executed, if indeed (of which he expresses rather a strange doubt) Fahimoonissa was a real person. But both the learned Judges of the High Court agree in thinking that they did not disclose the true nature of the transactions, the lady, in their view, having been throughout the apparent, and Huri Kishen the real owner.

The statements found in the evidence of some pleaders called by the plaintiffs certainly afford support to this view. It is not, however, consistent with the case put forward by the defendants ; and if the whole issue had lain upon them, their Lordships would not have felt justified in allowing so wide a departure from that case. They think, however, as already stated, that the plaintiffs have in the first place taken upon themselves the onus of impeaching the instruments of sale. Now, whatever may have been the precise nature of the transactions, their Lordships are satisfied that those instruments were executed, with Fahimoonissa's knowledge and by her authority, with the intention of vesting the property in the defendants. They think also that there is no sufficient ground for holding that a fraud was practised upon her by Huri Kishen in obtaining them. It would require strong evidence to support such a case when the nearest male relatives of the lady whose interest it was to preserve her property were not only aware of, but present and concurring in her acts, and this evidence is not forthcoming.

The grounds on which it may properly be held that the plaintiffs have failed to sustain their claim are well stated in the judgment of the Subordinate Judge at page 254 of the record : " From the first to the last everything was done with due publicity. Nothing was done in a corner. The mokhtarnama was presented and attested in the Munisif's Court; the kubala was drawn up in the registry office; the kubala and the kubgoolasool were registered; and in the dakhil-kharj cases notifications were made in the mouzahs, both in this district and in Tirhoot, and oozordars invited, and they did appear. It might be said that the Mussamut having been a Purdanashreee female could not personally have information of these things ; but this cannot be said of the plaintiff Lootf Ali, and Wabed Ali, husband of the plaintiff Medhi Begum, who seems to have lived on terms of close intimacy with Mussamut Fahimoonissa. They certainly would not have kept the matter from her knowledge, or been

" backwards in taking immediate measures for frustrating the sinister views of the defendants. The defendants took possession of the mouzahs immediately after the sale and leased three of the villages, viz., Muhwa Singh Roy, Muhwa Ram Roy, and Dyalpore to an indigo concern in Tirhoot, as shown by the registered kubnlyut dated the 20th December 1858 ; yet nothing was done by the plaintiffs for a period of nearly twelve years."

In the result their Lordships will humbly advise Her Majesty to affirm the judgment appealed from, and to dismiss this appeal with costs.

## CIRCULAR ORDERS OF THE BOARD OF REVENUE.

### No. XIV.

STANDING No. 104-4.

#### IRRIGATION WORKS.

*Proceedings of the Court of Wards, dated 3rd October 1876, No. 2,494.*

In submitting estimates for the repairs of Irrigation works in estates under management of the Court of Wards, Collectors should state the highest revenue derived during the last five years under the work which it is proposed to repair, and, also, whether provision for the work has been made in the Budget.

(A true Extract.)

(Signed) E. GIBSON,  
*Acting Sub-Secretary.*

### No. XV.

STANDING No. 33-2.

#### CATTLE DISEASE.

*Proceedings of the Board of Revenue, dated 9th October 1876, No. 2,535.*

From reports which have lately reached them the Board learn with regret G. O. 28th July that in many instances 1876, No. 1,010, R.D. when disease breaks out amongst cattle no remedies whatever are employed. Pending the arrival of a Veterinary Surgeon from England, it is essential, in order to prevent as far as possible unnecessary mortality amongst their farm stock, that the ryots should be induced by all legitimate means to follow the directions for the treatment of disease contained in the Manual drawn up by Mr. Thacker. This publication has now been distributed in the several

Vernacular languages throughout the rural parts of the Presidency, and the medicines prescribed can be readily compounded with ingredients procurable in the bazaar of every large village. Nevertheless the reports referred to show that, owing apparently to ignorance or want of faith in them, the remedies which Mr. Thacker found so efficacious are often not applied, even the simple expedient of segregating the healthy cattle from the diseased being not unfrequently neglected. Collectors should, therefore, endeavour to remove the prejudice and ignorance on this subject by impressing upon their native subordinates and upon the Zamindars of their districts the importance and efficacy of Mr. Thacker's method of treatment, and the desirability of resorting to it on all occasions. By this means the masses may be instructed gradually to adopt the most necessary sanitary measures to prevent the spread of cattle diseases and to help themselves in saving the cattle.

(True Extract.)

(Signed) E. GIBSON,  
Acting Sub-Secretary.

#### OFFICIAL PAPERS.

#### NEW FORMS OF SHIPPING AND ENTRY BILLS.

*Proceedings of the Madras Government, Revenue Department, 29th August 1876.*

Read the following Proceedings of the Board of Revenue, dated 2nd August 1876, No. 1,960:—

Read the following letter from the Hon. P. MACFAYDEN, Chairman of the Chamber of Commerce, to the Hon. W. HUDLESTON, Chief Secretary to Government, Ootacamund, dated Madras 22nd June 1876.

The Chamber have desired me to lay before Government the enclosed copy of correspondence that has just passed between the Chamber and the Collector of Sea Customs on the subject of the introduction of new forms of Shipping and Entry Bills. You will observe that the Collector entirely agrees with the Chamber as to the inadvisability of frequent departmental changes like that complained of. It appears, in the case referred to, to have acted under orders of the Government of India, which were issued without the Mercantile community being afforded an opportunity of remonstrating. The Chamber consider that changes involving a great addition to the already heavy labor of passing goods through

the Custom-house should neither be hastily resolved upon nor hastily enforced, and they will be very glad if a representation of their opinion can be made to the Government of India.

#### ENCLOSURE No. 1.

From the Hon. P. MACFAYDEN, Chairman, Chamber of Commerce, to R. J. MELVILLE, Esq., Acting Collector of Sea Customs, Madras, dated Madras 10th June 1876.

I am desired by the Chamber, with reference to your notification of the 25th April, on the subject of the introduction of new forms of Shipping and Entry Bills from the 15th instant, to solicit your attention to the inconvenience that departmental changes of this description entail upon the Mercantile community. The Chamber do not question your authority to determine upon changes in routine without studying the convenience of merchants, but they are confident you will admit the desirability of such changes being ordered as infrequently as possible, and only when they are obviously desirable. The labor of getting an office to master the routine of the Custom-house, and the difficulty of enforcing the observance of new regulations, are so considerable that the Chamber are constrained to deprecate the disposition that is being shown to obtain a technical uniformity with Bengal, which impose obstacles in the way of local trade without, so far as the Chamber have yet ascertained, conferring the smallest advantage on any body.

2. It will, therefore, be gratifying to the Chamber should you resolve to postpone the enforcement of the new forms of Bills referred to in your notification; but should that be now impracticable, I have the honor to beg that you will take the Chamber's opinion on the inadvisability of frequent departmental changes into consideration on the next occasion that an innovation is proposed for adoption.

(True Copy.)

(Signed) C. A. LAWSON,  
Secy. Chamber of Commerce.

#### ENCLOSURE No. 2.

From R. J. MELVILLE, Esq., Acting Collector of Sea Customs, Madras, to the Honorable P. MACFAYDEN, Chairman of the Chamber of Commerce, dated 18th June 1876, No. 1,024.

In acknowledging receipt of your letter, dated 10th June 1876, I have the honor to inform you that I entirely agree with you on the inadvisability of frequent departmental changes of the nature under notice.

2. I at the same time regret that I am unable to postpone the introduction of the new forms of Bills referred to in your letter, their immediate introduction having been ordered by the Government of India.

(True Copy.)

(Signed) C. A. LAWSON,  
Secy. Chamber of Commerce.

Referred to the Board of Revenue for Report.

(Signed) D. F. CARMICHAEL,  
Secretary to Government, R. D.  
OOTACAMUND, 26th June 1876.

The system of demanding duplicates of Entry and Shipping Bills was ordered to be introduced at the suggestion of Mr. O'Connor, who was lately deputed by the Government of India to inspect the working of the Trade Department in this Presidency, and this is absolutely necessary to ensure the early preparation of the Trade Returns to which the Government of India attach great importance.

2. As regards the forms, those now introduced are the same as those used in Calcutta, which the Government of India apparently wish to see introduced everywhere—*Vide* letter from Government of India, recorded in G. O., dated 11th February 1875, No. 220, and Board's Proceedings, dated 29th March 1876, No. 861. There is not much difference between the forms

\* Marked A. themselves, as will be seen  
† Do. B. from the new\* and old †

forms which are herewith submitted, except that the classification of the articles is more detailed than before, and the entries are required to be summarized. The detailed information is indispensable, as it is required for the preparation of the Monthly and Annual Returns, and the summary does not entail any considerable amount of trouble on the trade. The Board are of opinion that the forms now introduced must be retained and should be presented in duplicate.

(True Copies and Extract.)

(Signed) C. A. GALTON,  
Acting Secretary.

Order thereon, 29th August 1876, No. 1,185.

The Chamber of Commerce will be informed that the new forms of Shipping and Entry Bills have been considered in communication with the Government of India to be indispensable for the Monthly and Annual Returns of Trade, and the trouble they entail is not so great as to counterbalance the administrative advantages

secured. The Chamber may be assured that frequent changes are as inconvenient to Government as to the merchants; but where they are necessary, a moderate increase of trouble involved by them ought not to interfere with their being duly carried out.

(True Extract.)

(Signed) D. F. CARMICHAEL,  
Secretary to Government.

#### NELLORE CATTLE SHOWS, JANUARY 1877.

*Proceedings of the Madras Government, Revenue Department, 2nd September 1876.*

Read the following *Proceedings of the Board of Revenue*, dated 25th August 1876, No. 2,206:—

Read the following letter from F. B. H. SHARP, Esq., Acting Collector of Nellore, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated 2nd August 1876, No. 2,182:—

With reference to the *Proceedings of the Board of Revenue*, dated 21st July 1876, No.—, sanctioning the holding of the Cattle Shows at Addanki and at Nellore on the 17th and 18th January and 1st and 2nd February 1877 respectively, I have the honor to submit the usual prize lists with certain emendations in the case of the Nellore list, the additions being marked N. On these I subjoin the following remarks.

2. Looking to the great improvement and extension of roads which has taken place within the last few years, together with the rapidly increasing wealth of a certain section of the agricultural classes, it appears well to encourage competition in plans of carts better suited for travellers than the ordinary old fashioned bandy with its high narrow body, open sides, and clumsy wheels, adapted chiefly for carriage of goods and for traversing the worst and the roughest cart tracks; hence the proposed offer of a prize for a travelling cart.

3. For similar reasons, a prize is proposed for a pony vehicle.

4. In this district, nose ropes are not in use for bullocks, the only method almost of pretence at controlling them being by means of a rope tied round the base of the horns, which affords no control. The yoke too might be made lighter and better shaped for some work, as is the case in America I believe. Hence partly the suggested prize for bullock harness.

5. The other new prizes call for no special remark.

6. These additions involve an enhanced cost of Rupees 205. On the other hand, I propose reductions under the head of Cotton and Salt-petre as given below, the reduced rates being in my opinion, ample for the purpose. On the whole, a net additional cost of Rupees 45 is proposed as compared with the prize list of the shows in 1874, the last occasion on which exhibitions were held at both Addanki and Nellore.

	Old Rate.	New Rate.
	Rs.	Rs.
Cotton—3 Prizes of	{ 200 100 50	{ 150 70 40
Saltpetre—3 do. of	{ 50 20 10	{ 40 25 —
Cotton gin—2 do. of	{ 100 75	{ 70 50
	—	—
	605	445
	Saving 160	

7. I request the favor of early sanction for the prize lists.

ENCLOSURE No. 1.—List of Prizes.

This letter will be submitted for the orders of Government.

2. The Board approve the allotment of prizes proposed by the Collector, but doubt whether in the present state of the finances Government will be disposed to permit the shows to be held. The cost would be Rupees 6,000, viz., Rupees 2,300 for Addanki and Rupees 3,700 for Nellore. The Budget allotment is Rupees 5,000 only, but in the event of sanction being accorded, the balance could be met from savings under Surplus Pound Fund—see G. O., 20th January 1876, No. 122, paragraph 15.

(A true Copy and Extract.)

(Signed) C. A. GALTON,  
*Acting Secretary.*

Order thereon, 2nd September 1876, No. 1,213.

The Government are of the opinion expressed by the Board, that the Nellore Cattle Shows appointed to be held in January next must be given up, owing to the present financial pressure.

(True Extract.)

(Signed) D. F. CARMICHAEL,  
*Secretary to Government.*

HEAD-QUARTERS OF UTTENGIRI  
TALUK IN SALEM DISTRICT.

*Proceedings of the Madras Government, Revenue Department, 30th October 1876.*

Read the following Proceedings of the Board of Revenue, dated 25th September 1876, No. 2,424:—

Read again Board's Proceedings, dated 3rd July 1876, No. 1,700.

Read also the following letter from C. T. LONGLEY, Esq., Collector of Salem, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated Salem, 2nd September 1876, No. 222:—

I HAVE the honor to reply to the Board's Proceedings, No. 1,700, of the 3rd ultimo.

2. The taluk of Uttengiri formed a part of the Darampuri Taluk up to 1821, when it was formed into a separate taluk and Kummelore the head-quarters of the mutta of that name, was made the taluk cusbah. In 1823, for reasons not forthcoming, but apparently from the fact of Kummelore being a mutta village and in one corner of the taluk, the cusbah was transferred, on the 11th December 1823, to Harur. It continued there till August 1825 when it was removed to Uttengiri by an order of the Collector, which simply stated that "the Cutcherry servants were sick." Here it has remained ever since, but successive Tahsildars have complained of the unhealthiness of the place and asked for a change. In 1854, Teaguraja Pillay, the then Tahsildar, most strongly urged the necessity of a removal from Uttengiri on the ground that the whole of the establishment was laid up with fever. His successors, Gnanasagara Row in 1862, and Sreenivasa Iyengar in 1866, repeated the same request. In 1874, the present Tahsildar, Venkateswara Row, and the whole of the Cutcherry officials were so completely prostrated with fever, that the business of the taluk came to a stand-still, and I was obliged, as the Board are aware, to remove the cusbah to Harur.

3. It will be seen from the above that the Cutcherry was at Harur only for a very short time (a year and half), and that Uttengiri was condemned as unhealthy by almost every Tahsildar that has had the charge of the taluk since it was made the cusbah. On the other hand, Harur has been the cusbah of the Deputy Tahsildar since 1866, and no complaint has been made of its unhealthiness.

4. Besides its situation, there are several natural causes which render Uttengiri unhealthy, and which it is not possible to remedy effectually.

5. In 1874 when the fever epidemic prevailed almost all over the taluk, especially at Uttengiri, there was no fever at Harur; and in the years 1854, 1862, and 1866 when the officials were prostrated with fever at Uttengiri, Harur

appears to have been free from it. Harur is, therefore, not only on account of its greater salubrity, but also from the central situation it occupies in the taluk and other reasons (mentioned in my letter, No. 129, dated 8th June 1876), best fitted for the centre of the taluk. The Local Fund Dispensary has also been located there.

6. An extract from the report received from the present Tahsildar of the taluk is enclosed for the Board's information.

ENCLOSURE No. 1.

*Extract from a Memorandum by the Tahsildar of Uttengiri.*

\* \* \* \*

There are some natural causes to render the place unhealthy. Close to the town, on the north is a low marshy ground which with its excessive growth of rank vegetation in rainy season breathes an impure air into the town. The town is, as Dr. Pearse remarks, no doubt on a little elevated ridge, but this ridge being only a little break in a sloping surface commencing from Jenda Medu on the road to Samalputti, and being a part of an incline towards the marshy ground on the north, commencing from half a mile south of the town, it seems to me that the people can enjoy no immunity from the effects of the exhalation of the surrounding vegetation.

At the beginning of this incline, i. e., south of the town, is a tank which when full renders the surface of all backyards and houses saturated. Even granting that the people refrain from using the water of the well into which the tank sends in its leakage through the pores, it seems to me that as a repository of stagnant water, the tank cannot fail to send an impure and damp air over the town. As regards the purity of the water available at this place, I should only refer to Dr. Pearse's letter.

The only thing in favor of retaining Uttengiri as head-quarters is that the Gumastahs and Peons have houses there.

Harur was the head-quarters of the taluk for only a short time (a year and half), and it cannot, therefore, be pronounced unhealthy as we have not given it a fair trial. Even if fever existed, it seems that the causes for it might be considered as no longer existing, for the jungle which some years back was close to the town is now far removed. No doubt the main portion of the town is close to wet lands and a little below the tank, but the river which runs through the town is sufficient to drain it to keep it healthy. The only objection the peons of the Cutcherry urged against the transfer of the Cutcherry to Harur is that they cannot get houses there. This is true to some extent, but this difficulty can be met by giving them some compensation.

Harur is the centre of the taluk. It is more

populated and has more commerce, &c., than Uttengiri. Since 1866 Harur has been the head-quarters of the taluk, but the officials never complained that the place was unhealthy.

(True Extract.)

(Signed) C. T. LONGLEY,  
Collector.

Submitted for the orders of Government.

2. In his letter recorded in the Proceedings read above, the Collector of Salem proposed the transfer of the taluk head-quarters from Uttengiri to Harur, on the ground that the latter is more central and more healthy, and that by this arrangement the necessity for the construction of a new Taluk Cutcherry, at the former place will be avoided and a saving of some Rupees 15,000 effected. At Harur there is a building which with certain alterations, estimated to cost about Rupees 3,000, will make a suitable Tahsildar's Cutcherry, whilst the Deputy Tahsildar can be transferred to Uttengiri.

3. As it appeared that the head-quarters of the taluk had at one time been fixed at Harur, the Collector was called upon to state why they were removed thence to Uttengiri. From the letter read above it appears that Harur was the head-quarters of the taluk for a very brief period from the end of 1823 to August 1825, and that the change was made because the Cutcherry servants were sick. Successive Tahsildars have complained of the unhealthiness of Uttengiri, however, and in his letter of the 25th January 1875, the Collector reported that, owing to the prevalence of severe fever, he had been obliged to remove the Tahsildar's office and treasury to Harur as a temporary measure, which the Board approved. From the Tahsildar's report, which forms an enclosure to the Collector's letter, it would appear that the unhealthiness of Uttengiri is due to defective drainage and the impurity of the water-supply, whilst he ascribes the bad reputation which Harur formerly possessed to the presence of jungle in the immediate vicinity of the town which has now been cleared.

4. Under these circumstances, the Board support the Collector's recommendations, and request sanction for the preparation of the requisite plans and estimates and for the compensation proposed.

(True Copies and Extract.)

(Signed) H. E. STOKES,  
Acting Secretary.

Order thereon, 30th October 1876, No. 1,526.

The Government understand the proposal to be to effect a transfer between the head-quarters of the Tahsildar and Deputy Tahsildar on the ground that Harur is the healthier station of the two; the Board's statement in paragraph

2 of their Proceedings, 25th September 1876 (as regards the removal of the Deputy Tahsildar's head-quarters), evidently containing an error, Harur being named for Uttengiri. Before deciding on the question raised, the Government desire to have the opinion of the Sanitary Commissioner regarding the relative sanitary conditions of the two stations. As the objections to having the Tahsildar at Uttengiri will apply also to the Deputy Tahsildar being posted there, although perhaps with somewhat less force, the Collector should be instructed to select, if possible in communication with the Sanitary Commissioner, another place free from the objections urged against Uttengiri and sufficiently convenient for administrative purposes, in view to its being made the head-quarters of the Deputy Tahsildar.

2. The cost of securing proper accommodation for the Tahsildar and his establishment at Harur seems to be under-estimated. The Gumastahs will require compensation equally with the peons. The Collector will, in communication with the Public Works Department determine the total expenditure involved in his proposal, and report it to Government. Meanwhile, the Government sanction the continuance of the existing arrangements.

(True Extract.)

(Signed) D. F. CARMICHAEL,  
Secretary to Government.

## MISCELLANEOUS.

### FAMINES IN INDIA.

WHILE great schemes of irrigation and improved communications are being discussed in all their varied bearings to prevent the recurrence of famines, some attention should, we think, be drawn to the fact of the general denudation of trees all over India, for to this may be, in a very considerable measure, ascribed the unproductiveness of the land. The vast tracts of forests that once existed, have been gradually cleared for agricultural and pastoral purposes. The result of this indiscriminate denudation is a diminished rainfall, a dryness of the atmosphere, and a proportionate elevation of the temperature. The surface of the soil, formerly moist, spongy, and porous, is now a hard, dry crust, which, under the influence of the sun, splits into cracks and fissures, into which, when it rains, great part of the water flows, while the remainder, superficially passing over the hardened crust, penetrates it but slightly, and, without benefit to the crops, collects in depressed tracts, where it becomes foul and stagnant, and spreads fever throughout its neighbourhood. As there are neither leaves nor widespread branches to attract the passing clouds and retain the moisture, and as there

are no longer deep roots to absorb the water and conduct it down to feed the springs, the sources of the smaller rivers and streams are gradually dried up, and the subsoil water recedes further and further from the surface. The roots of the crops, having to traverse longer distances for water, become exhausted in their endeavour to find it, and but little strength remains to form the stem, leaves, and produce of the plants. The difference between the seasons is now less marked, rains have become scarce, and droughts more frequent and excessive. Immense tracts of land, formerly productive, are now desolate, leading to the conclusion that, whereas human beings would not render that necessary assistance to nature that she requires, she has, by her mighty hand, laid the country waste to give it rest and time to recover from the exhaustion consequent on taking everything possible from the land and returning nothing to it. When rain falls, it comes down in torrents, and, instead of penetrating the soil, flows over it as previously described, and the flood is followed in turn by a period of drought. Thus from the general absence of trees—and the few that remain are liable to still increasing diminution,—drought and famines may be considered as of very natural recurrence, and, what is worse, with lessening intervals of time between each reappearance, until they will become an annual event in the different divisions of India, causing an immense loss, direct and indirect, to the revenue from the unproductiveness of the land.

Irrigation is but a partial remedy for drought, and is extremely local in its effects; and, after the lapse of a certain number of years, the irrigated lands become silicified by the sandy particles brought down the canals (from their head-works) in a state of suspension, and distributed over the adjacent fields. Besides, it merely affords a certain amount of liquid to the crops without their being able to obtain any nourishment of a stamina-giving property, which should come from the soil, but which from an absence of manure, has long since been exhausted. The sulphates and phosphates which are required to supply part of the material necessary for the composition of the nutritive proteine compounds found in grains of economic value, are absent to a great degree; in fact, merely the silica, which gives firmness to the stems of the plants, exists to any considerable extent. No permanent good will be done, until the inhabitants are enabled to give up the practice of burning cow-dung and other manures for cooking and household purposes, and using their farm-yard heaps to burn bricks, tiles, and lime with, and so robbing the land of its just dues. These manures, which contain the azotized matters—consisting of proteine compounds, supplying nitrogen for the development of the muscular tissues of man and animals—not being employed in a proper

manner, the soil, without them, cannot contain the ingredients required for a crop; wherefore the corollary of a poor outturn must be looked forward to. This can only be remedied by placing cheap wood-fuel within reach of the inhabitants. Again, injudicious irrigation, without proper drainage, causes the formation of swamps, and the diversion of streams from their original beds. The natural tendency of these swamps is to increase gradually, and in doing so they must, to a greater or less extent, saturate the adjacent soil, rendering the neighbourhood unhealthy in the extreme.

It is, therefore, suggested that *Arborescent Plantations* be formed. They should be squares or parallelograms properly demarcated, and enclosed. Each one should contain about 800 acres, and be under the supervision of a European ranger; a man who has had experience in Europe, as a gardener or agriculturist to be preferred.

The situations of the plantations should be as follows:—

*First.*—Near cities and towns.

*Second.*—At the fuelling stations of the railways.

*Third.*—On the banks of navigable canals, and rivers.

*Fourth.*—On quasi-unproductive lands.

Of the latter, there are immense areas belonging to Government and private persons, and which by deep ploughing would be fitted to receive such various description of seeds of trees as thrive in poor soils, till in the course of time the leaves, decaying branches, trunks, &c., falling and mixing with the earthy particles, would form a humus, which, in its turn, would become suitable for raising other and better descriptions of trees, while the atmosphere of the neighbourhood would be rendered humid, and more equable, greatly benefitting the surrounding fields.

The land required for these plantations, were belonging to private persons, can be taken up under special authority, like land for railway, canal, and other public purposes. Apart from the prospective benefits to be derived from undertaking such a scheme, it will afford a large amount of immediate employment all over the area now subject to famine.

To each arborescent plantation should be attached:—

*First.*—A small *Experimental Farm* by means of which examples of improved and deep ploughing, so necessary to loosen the sub-soil so as to be easily acted upon by air and water, while it increases the efficiency of the drainage, would be brought home to the very doors of the native cultivators; the proper explanation of the principles which guide the application of different kinds of manures to varying descriptions of soils could be shown to them; and improvements in husbandry generally placed before them in such a manner as to teach them, if for

no other reason than to benefit themselves pecuniarily, the advisability of following the examples thus set before them.

*Second.*—A small *Cattle Breeding Establishment*, of a few choice animals only, for the general improvement of live-stock in the neighbourhood.

*Third.*—A *Granary*, above or under ground. The products from the Experimental Farms could be annually stored in them, and would be useful in years of scarcity. Their positions would prove very suitable centres for distribution in cases of necessity, without any additional cost to the general expenditure. Attention is especially directed to this suggestion for those places which are now, and will be for many years to come, without roads or other means of transporting food from one part to another.

The ranges could report weekly on the general state of the crops in their immediate neighbourhood, and thus give early warning of any approaching dearth: they could also make simple, but regular, Hygrometrical (especially) and meteorological (generally) observations on the same return.

The population is increasing in a greater proportion than the land—with present agricultural appliances, and an absence of manure—can support. The time has, therefore, arrived when the people must be helped to return the latter to the earth; while as to the former they require to be taught improved methods of farming, by practical examples, so as to obtain an increased production from their present holdings, as they have not that fertility of invention that exists among other similarly situated nations—the Chinese to wit—who, by proper cultivation, can maintain their families with every degree of comfort, on a very limited area.

Every year a large quantity of seed is wasted by the inhabitants, as they sow considerably more than is required to allow for the destruction, by white ants, of a large portion of the young plants. Only in poor soils, where the plants are weak, are they attacked by these destructive insects, as they do not attack strong, healthy, crops, growing in well manured rich ground.

A considerable increase in the present staff of the Forest Department must needs take place, not only for forming new plantations but also for demarcating and enclosing existing timber tracts. The present efforts of the Forest Department, though strained to the utmost extent, are totally inadequate to the imperial work of restocking India with arborescent vegetation within a moderate lapse of time to prevent future droughts and famines. The expenses, though very great at first, will speedily be covered by the profits from the sales of fuel and other useful woods, and after ten or fifteen years have elapsed the plantations will not only become self-supporting, but they will annually yield a handsome addition to the revenues of India.—*Indian Agriculturist*, Vol. I, p. 304.

# THE REVENUE REGISTER.

No. 12.]

MADRAS:—FRIDAY, DECEMBER 15, 1876.

[VOL. X.

## LOCAL CESS ON WATER-RATE FOR LOCAL PURPOSES.

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A BILL is still under the consideration of our local Legislature to amend so much of Madras Local Funds Act IV of 1871, as affects the levy of a cess calculated on the water-rate payable on lands under cultivation. This Act, like its sister enactment the Madras Towns' Improvement Act, III of 1871, was the offspring of the busy train of Sir Alexander Aburthnot, when in his place in Council he took such a large share in the administration of this Presidency. The Local Funds Act was passed to raise funds for the construction and maintenance of roads, for the diffusion of education, and for various objects of public utility, calculated to promote the health, the comfort, or the convenience of the inhabitants of places not brought within the limits of any Municipality. In short, while Act III of 1871 dealt with the Municipal administration of towns and other advanced places, Act IV of 1871 was designed for the economic and sanitary conservancy of villages still in a state of rural primitiveness. The Act thus constituted Local Fund Boards with jurisdiction over a prescribed circle of villages, and empowered them to raise a rate or cess not exceeding one anna in the rupee on the annual rent value of

all occupied land on whatever tenure held, a tax on houses ranging from 4 annas to 5 rupees per annum, and tolls on carriages, carts and animals passing along roads within the circle at rates ranging from one anna on a bullock or an ass to one rupee on an elephant. It will be observed that an element in the calculation of a one anna cess on lands under cultivation was their annual rent value. This of necessity involved a rule for estimating the rent value. Section 38 of the Local Funds Act accordingly prescribed the rule required, and laid down three modes of calculating the rent value: *firstly*, in the case of lands held direct from Government under a ryotwary settlement, the assessment payable to Government for the land, together with any water-rate which might be payable for its irrigation, was to be taken as the annual rent value of such lands; *secondly*, in the case of inam lands, whether wholly or partially free from assessment, the full assessment which such lands would bear if they were not inam, together with any water-rate which might be payable for their irrigation, was to be taken as the annual rent value, it being provided that such full assessment and water-rate, if not already fixed and known, was to be determined by the Collector of the District under the general orders of the Board of Revenue;

and *thirdly*, in the case of lands held on any other tenure, which of course included all zemindary estates, the annual rent payable by the tenant to his landlord was to be taken as the annual rent value of the lands in the hands of tenants ; and in the case of land held by the owner himself, or by a person under a favourable tenure from him, the rent ordinarily payable to the landlord for similar lands leased out by him in the neighbourhood was to be taken as the annual rent value of lands thus occupied. It will be seen that in this third sub-rule, all allusion to a water-rate was omitted. It does not appear clear to us whether this element of calculation was purposely omitted by the framer of the Bill, or whether it was simply one of those accidental slips which sometimes take place in the preparation of large and comprehensive schemes ; but the effect is clear, viz., that zemindary lands escaped, in a certain degree, a burden that was cast on ryotwary and inam lands. The point appears to have been first raised about three years ago in the Godaverry district, where the Sub-Collector had collected local cess calculated on the rate payable by the Zemindar ryots for water supplied from Government sources. The Government were of opinion that the land-cess was not legally chargeable on water-rate paid direct to them by ryots in zemindaries ; and as these zemindary ryots had awoke to the fact that they were not liable to the demand and had actually applied for its refund, it became a question for serious consideration whether a source of income which to some extent contributed to the funds requisite for local improvement was to be abandoned, or whether the law was to be amended so as to remedy the legal omission that had been made. As pointed out above, land-cess was leviable by Act IV of 1871 on all land assessment and all water-rate, with the exception unfortunately of water-rate payable direct

to Government by ryots in zemindary villages. The exception was the consequence of the wording of that part of the Act relating to land-cess in zemindary lands. It was calculated that the amount of water-rate paid direct to Government by ryots in permanently settled estates was about Rupees 80,629 a year, of which very nearly the whole was paid in the Godaverry District alone. The tax on this amount of water-rate might in itself not have been much, but the cess omitted might increase, and in principle it was bad to exempt a small section of the people, for no intelligible reason, from a burden that fell on all others similarly situated. The Government therefore very justly resolved that the subject should be considered in the Legislative Department, in view to an amendment of the Act ; and that Department drew up a short Draft Bill embodying the required amendment, which was passed on to the Council for making laws and regulations, the Hon'ble Sir W. Robinson, K.C.S.I., being requested to take charge of it.

In moving for leave to introduce a Bill to amend the Local Funds Act, Sir W. Robinson explained the reasons that existed for the amendment, and he also called attention to the further section drafted in the Bill, providing for exceptional circumstances, such as where zemindary ryots paid their water-rate direct to Government, instead of through the Zemindar. The additional section provided for levying the one anna in the rupee cess on the water-rate direct also, instead of through the landlord. The matter being a simple one, and to avoid delay, Sir W. Robinson moved for the suspension of the standing orders, and asked for leave to introduce the Bill at once. Leave having been granted accordingly, the Bill was referred for the consideration of a Select Committee consisting of the mover, the Hon'ble Mr. Cunningham, the Hon'ble V. Ramiengar, and the Hon'ble G.

N. Gajapathi Rao. When the Legislative Council met again, which they did on the 17th June 1875, on the Neilgherry Hills, the lamented death of the late Lord Hobart, which plunged all Madras into such deep and sincere sorrow, had taken place, and Sir W. Robinson had assumed the reins of Government. Accordingly we find that the learned Advocate-General presented the report of the Select Committee, the hon'ble mover being now in the place of the President of the Council. After going over the grounds which had led to the introduction of the Bill, the Hon'ble Mr. Cunningham drew attention to the alterations which had been effected by the Select Committee. He explained that Clause 3, as originally drawn, had been so worded as to leave it open to doubt whether it applied to cases in which the water-rate was being paid to Government by the landlord. Such an ambiguity would clearly have worked unfairly: if the landlord himself paid the water-rate and charged his tenant a proportionately higher rent, it was obvious that that higher rental included the water-rate; if the assessment was calculated on that higher rental plus the water-rate, the water-rate was being counted twice over and the basis of taxation was accordingly being calculated improperly high for the landlord. The section, however, as altered, was confined to cases in which the tenants paid rent to the landlord and water-rate to the Government; in which case, it was quite right, in analogy with the other tenures, that the assessment should be calculated on the rent and the water-rate as the real value of the land. The original Bill contained a provision that when a cultivator or other under-tenant paid a water-rate direct to Government, the Government was to be at liberty to collect, direct from such person, the sum leviable on his land under Section 36 of the Local Funds Act, in respect of his water-rate, or in respect of his rental, or in respect of both. But as exact provision was

made in the Act, Sections 47 to 50, for the collection of the cess leviable under Section 36 from the landholder, and for enabling the landholder to recover the proportionate part of the cess from his tenants, the Select Committee considered that it would be unnecessary and undesirable to interfere with this machinery: they accordingly suggested the omission of the additional section; and, subject to the alterations mentioned, they recommended that the Bill should be passed at once. The Hon'ble V. Ramiengar was himself a member of the Select Committee, and had agreed to the amendments proposed by that examining body and to the report of their manipulation of the Bill; but he could not refrain from casting a squib into the combustible materials of which the Council was composed. The consequence was that a very lively discussion appears to have ensued, with the details of which the public have not been favoured; but we may judge of its character when we find that the Hon'ble Mr. Ellis, the Hon'ble Mr. Hudleston, the Hon'ble Mr. Carmichael, and the Hon'ble Mr. Cunningham took the leading share in the debate, which ended in re-committing the Bill for the further consideration of the Select Committee. The point on which the Bill broke down was that involved in the enquiry propounded by the Hon'ble V. Ramiengar, whether, in the event of the Bill as amended by the Select Committee being passed, Zemindars and others coming within the meaning of Clause III of Section 38 of the Local Funds Act, would not be entitled to claim the remission allowed by Section 48 of the same Act, not only on so much of the rent-value as was equal to the peshcush, but also an amount equal to the peshcush *plus* the amount of water-rate paid by them to the Government. The Select Committee have not apparently met again on this Bill, so that the entire amend-

ment of the defective provision is still in abeyance. Meantime, other suggestions for the further amendment of the Local Funds Act will have to be considered by the Select Committee. We may mention that there is great need for some arrangement to prevent roads being destroyed by heavy traffic. Sometimes the centre of the road is made of light and elastic materials so as to provide for quick traffic, while the sides are heavily metalled for the passage of carts deeply laden. So long as these heavy carts are restrained by the action of Municipal Bye-Laws to keep to the sides of the road, no injury takes place to the centre; but when no longer restrained by Municipal edicts, carts are apt to wander all over the roadway to the serious injury of the road and the annoyance and inconvenience of passengers. Then, we may mention the very serious consideration which awaits the Select Committee in respect to increased rates for educational purposes, as pointed out by the Hon'ble Mr. Ellis. That experienced Nestor of the Council has suggested that the short Bill which had engaged the attention of the Council, should be postponed until the entire question in respect to a larger diffusion of education could be thoroughly re-considered.

Though not connected with the main subject of the present article, viz., the levy of a local cess on water-rate paid on lands for the purposes of local improvement, we may mention, as connected with local improvement itself, that a very bold attempt was made by the Hon'ble Mir Humayun Jah Bahadoor to secure to villages the blessings of sanitation provided for the larger towns. In this he failed; but it is gratifying to find that hon'ble members, notwithstanding their own happier lot in life, dwelling in large well ventilated mansions in the finer parts of the Presidency town, can turn their pitying eyes on the poor wretches herding

together in poverty-stricken huts in badly drained villages outside all Municipal limits. Mr. Humayun Jah made a very effective speech, of which we can only furnish our readers with an abstract. He pointed out how much good and useful work, conducing to the convenience and health of the people, had been effected under the earlier Municipal laws, as compared with the condition of the country when no sort of Municipal laws had prevailed at all. Those earlier Municipal regulations, which preceded Acts III and IV of 1871, had been neither so strict nor had gone so far as these, simply because the country people with whom we had to deal in those days were ignorant of such measures and equally ignorant of the beneficial results flowing from such measures. It had not been expedient in those days therefore to do anything which the people were likely to look upon as new-fangled and embarrassing. But now people had begun to see and appreciate the valuable results of sanitary laws; and the speaker thought that the present would be a good opportunity to incorporate in the Bill provisions giving power to local Boards to prevent the erection of huts in unsafe places, to abate overcrowding, and to remove nuisances in dirty villages. He mentioned that many villages on the banks of rivers and streams, and in the neighbourhood of water channels and large tanks, and in low-lying ground, were so situated as to expose a portion of them at least to being inundated and washed away during unusually heavy rains. Sometimes rivers overflowed their banks and destroyed villages, as had not long ago happened in the vicinity of the Palar and other rivers, when even such towns as Vellore, Vaniambadhi, Cuddalore, and Nellore had suffered severely. Villages had their ponds and hollows which served to catch a supply of fresh water during the rains, but which in the hot season turned into stagnant pools, emitting

noxious gases and odours. Filthy heaps of rubbish and refuse, lying about in almost every village backyard, added their fatal contribution, especially when in a state of putrefaction from the action of the sun and rain, to the unhealthy condition of the neighbourhood. Then, when cholera and small-pox made their dire appearance in these localities, these scourges seldom quitted the unfortunate villages without causing serious loss of life. In an age when famine and other calamities of similar magnitude were successfully met and grappled with by measures of food supply and medical skill devised by man's ingenuity, for the purpose of alleviating human misery and saving human life, of which a glorious incident in the previous year had been imprinted on the pages of Indian History, it seemed to the Hon'ble Mir Humayun Jah Bahadur that it would not be in vain to attempt to remedy the existing unhealthy condition of villages and their fatal influence on the lives of human beings concentrated in them. He acknowledged that the subject had of late years received much attention from the hands of Government, and that steady progress was being made in the work of improvement; but he felt that the progress was not fast enough, chiefly, as he surmised, on account of the conservative habits and the poor and illiterate condition of the villagers. It was considered, however, by the majority of the Council that, as we could not command the requisite machinery to carry out the reforms proposed in villages, the measures of improvement suggested would be simply harassing to the unfortunate villagers. These measures were admittedly excellent in themselves; but it seemed to the Council that they would not be justified in introducing into the small villages provisions that could only be worked in large towns; meantime, when any glaring nuisances were committed in villages, it was pointed out that there was power already under the

existing law, to apply to the magistrate for their abatement. His Excellency the President did not forget to thank the hon'ble member for the able manner in which he had treated the question, and to gracefully acknowledge his confidence in the Government, to whose discretion he left it to extend Municipal provisions to village communities whenever it seemed to our rulers that they were prepared for such advanced reform.

## CORRESPONDENCE.

### LONDON LIFE.

[FROM OUR SPECIAL CORRESPONDENT.]

SIR,

It happens very opportunely that the *Mail* leaves England one day after the great annual civic banquet at the Mansion House, because I am thereby enabled to give you the gist of Ministers' utterances on the great question of the day. Last night, at the Guildhall, Lord Beaconsfield surpassed himself. At no period of his career was Mr. Benjamin Disraeli ever more eloquent, more patriotic, more firm, more self-confident, or more truly a Briton. We must go back to the days of Pitt to find any parallel speech from the lips of a Prime Minister. For quite half a century it has been the fashion to be "mealy mouthed," to discuss foreign politics with bated breath and whispered humbleness; self assertion on the part of Great Britain has been more honoured in the breach than in the observance; and more especially since Russia in 1870 defiantly tore up the treaty of Paris in our very teeth, it has been assumed on the continent of Europe that England might sometimes emit a feeble bark but would never bite. The British Lion was supposed to be tamed; John's bull-dog was considered as effectually muzzled to the end of time. But the magnificent oration of the first minister of the Crown, which positively electrified his audience in the city last evening, has effectually opened the eyes of Europe. Mr. Gladstone may go hide his diminished head; Mr. Lowe may chatter, but his day has gone by; Mr. Bright and the peace-at-any-price party are snuffed out; Mr. Forster's feeble platitudes, and Lord Hartington's tergiversations, are drowned in the loud chorus of approval which has hailed the noble and outspoken policy put forward by Lord Beaconsfield. It is impossible to abbreviate without unduly

[December 15, 1876.]

mutilating his choice and manly periods, so I shall transcribe some of his sentences *ipsiusi-  
mis verbis*. "The Lord Mayor has told us" he said, "that England is the country of all "others whose policy is peace. We have "nothing to gain by war. We are essentially "a non-aggressive power. There are no cities "and no provinces that we desire to appro-  
priate. We have built up an Empire of which "we are proud; and our proudest boast is this, "that this empire subsists as much upon "sympathy as upon force. But if the struggle "should come, it should also be recollected "that there is no country so prepared for war "as England, because there is no country whose "resources are so great in a righteous cause—a "cause that concerues her liberty, her inde-  
pendence, or her empire. England is not a "country that will have to enquire whether she "can enter into a second or a third campaign. "She will commence the fight that will not end "until right is done." "How is that for high?" as the Yankees say. This outburst of patriotic eloquence was received with enthusiastic applause; and this morning Lord Beaconsfield's popularity may be said to equal that of the late Lord Palmerston in the zenith of his political career.

An armistice has been agreed to between Turkey and Servia, or rather Russia, for it is the cabinet at St. Petersburg which pulls the wires of the poor deluded puppets at Belgrade. Still the hopes of peace so generally entertained by amateur politicians and stock exchange speculators will probably prove ephemeral. The signal victories gained by the Turks rankle in the bosoms of the Slavonic societies, and Russia has committed herself too far to be allowed to withdraw from the conflict. War will either break out at the termination of the truce after Christmas, or will be renewed in the early spring; at all events, bloodshed is inevitable during the ensuing summer. The East of Europe is in an apoplectic state, and nothing but copious blood-letting will restore calmness and common sense to the excited populations and their ambitious leaders. I do not think this country will be involved, as it is quite on the cards that the Turks may lick the Russians; and should it be otherwise, the finances of the northern aggressor will be in a hopeless state of collapse long before they can be in a sufficiently advanced position to threaten Constantinople, which, after all, is the only spot that we really cling to and mean to hold to our last shilling, our last man, and our last drop of blood.

A congress of all the European Powers has been arranged with a view to finally settling the Eastern question, but the idea is a chimera. There will be a deal of talk; the post office will profit by the constant transmission of lengthy and expensive despatches and tele-

grams, speculators will amass and lose large fortunes by the promulgation of alternately favourable and sinister rumours; diplomats, and even Foreign Office underlings, will nod their heads with Burleigh-like sagacity; Queen's messengers will be worked to death; and penny papers will drive a thriving trade: but, as long as Russia retains those ambitious views which she shows no symptoms of discarding, a congress is simply a delusion and a snare. It is only putting off the evil day. The Prime Minister's words, to which I have alluded above, are worth half a dozen congresses. We must either bluster and frighten Russia into submission, or fight and paralyse her for another twenty years as we did in 1854-55-56.

It is satisfactory to know that we shall be most efficiently represented at this "political palaver" by the Marquis of Salisbury, Her Majesty's Secretary of State for India, and by Sir Henry Eliot, the present Ambassador from this country to Constantinople. The industry, talent, energy and political ability of the former are universally recognised; and his relations with our Indian Empire give him peculiar fitness for the task he has undertaken, since our interest in checking the advance of Russia towards Stamboul is entirely due to the existence of our possessions in Hindustan. Sir Henry Eliot has been tolerably well abused during the last six months, but Lord Salisbury could hardly have selected a more competent assessor. He knows the Turks and their foibles; he has valuable local knowledge, and is far more respected by the Porte than most people think.

All these political convulsions have materially affected "things in the city." In one day Russian Stocks fell 20 per cent; and there was a general stampede in Turkish, Egyptian and Hungarian bonds; but the panic only lasted about 48 hours. Many people still believe that Turkey will recover and pay up in full, and Mr. Goschen's mission to Cairo is reported to be successful; but no *bond à fide* holders care to hold on to their Russian investments. If the Czar goes to war in earnest, he will inevitably repudiate his external liabilities, and ninety-nine people out of a hundred think he means fighting.

Far sooner than was anticipated, our arctic heroes have returned. When they quitted England in May 1875, it was understood that they might possibly regain their native shores this autumn; but at the same time, it was recognized as a matter of course that their bravery, perseverance and devotion were such as to preclude their return unless they had accomplished the object of their voyage, or ascertained beyond the possibility of doubt that further effort would only prove fruitless and quixotic. Unfortunately, the good ships *Alert* and *Discovery* have

anchored at Spithead *re infecta*. It is now an established fact that the North Pole is not to be reached. It takes a good deal to annihilate the audacity, not to say the presumption of mankind. In numberless instances, Providence has ordained that incredible tasks should be accomplished by human agency; but, in the matter of arctic exploration, the Almighty has decreed that thus far shall we go and no further. Perhaps the failure of this last expedition is not altogether to be regretted. A successful attempt to plant the Union Jack on the apex of the terrestrial globe might have considerably inflated the denizens of Great Britain with national pride: some few atmospheric problems might have been partially solved; the extreme limit of human endurance might have been tested; but the utility of any information that could possibly have been acquired, I for one respectfully take leave to doubt; and my opinions are by no means unique. If a north-west passage had been discovered, it would have been impracticable for ninety-nine years out of a hundred. Beyond a certain latitude no living creatures existed; so that neither Christianity, nor commerce, nor zoological research could have profited. We have already sacrificed many of our countrymen's lives in vain attempts to penetrate the innermost regions of the Pole; we have exposed numbers of our enterprising sailors and other devoted enthusiasts to unheard of suffering and privation in the same cause; we have in the last forty years thereby acquired no information of real practical value, either in a mercantile or scientific sense; and I fervently hope that the North Pole will henceforth be laid on the shelf, not only by responsible Governments, but also by geographical and philosophical societies in general in every civilised quarter of the globe. It is very easy for a Fellow of the Royal Geographical Society to preach in Albemarle Street; it is allowable for a sensational writer of leading articles to pen magniloquent phrases which spur on young and old to undertake hopeless enterprises; it is excusable for certain Governments to provide funds for such hopeless undertakings, when the will of the nation dictates that it must be done; but common sense must prevail in the end, and let us all hope that we have heard the last of arctic expeditions, at any rate in this generation. Meanwhile it may be interesting to give some account of what Captains Nares and Stephenson have done and what they have "*nolens volens*" left undone. The way selected by this last expedition of 1875 was the most hopeful of all seemingly practicable routes, and was adopted as such after repeated failures by others. The two vessels engaged were provided with every requisite appliance, with every aid which the finite mind of man could devise, with every comfort and assistance which human foresight could furnish. All the members of the "forlorn hope,"

as it may be termed, were picked men, brave, fearless, persevering, unselfish, noble-minded, skilled and seasoned explorers. The adventurers passed a miserable winter, during which for 160 days or more cimmerian darkness prevailed, and at the commencement of what is called spring in those desolate regions, two parties started on sledges to seek the North Pole, leaving their ("no longer floating") homes embedded in the ice. The perseverance, the endurance, the sufferings, the indomitable pluck of these two pioneering bands, I have not space to dilate on; the result is what we have to consider. After penetrating to within 400 miles of the envied spot, they recognised that further efforts were useless. An unbroken tract of ice lay before their eyes. Hummocks, glaciers, snow drifts, no sign of vegetation or of life, an insupportable temperature of eighty or ninety degrees below zero, and no possible hope of amelioration in scene or climate. Add to this that nearly all the adventurous explorers were half-dead with scurvy and frost-bites and exhaustion, and no one will gainsay their common sense in at once retracing their steps. The journey back to the ships was naturally more tedious and painful than the outset. Weakened by disease, disheartened by failure in their most cherished desires, and short of provisions, it is a miracle that they succeeded in retracing their steps with so little loss of life. Whatever reward Captains Nares and Stephenson may receive for their skill and devotion, I think no recompense can be too great for their forbearance and common sense in recognising the hopeless nature of the task set before them. All humane minds must applaud them for returning with the loss of only four men, whereas had they been obstinate and reckless, and thirsting only for personal glory, the mortality among the crews might have been appalling. It is a pity that the enthusiastic welcome accorded to the expedition on its return to Valentia, Cork and Portsmouth, has been slightly marred by a trait of official "idiotey" (I should not like to say "spite"). The Board of Admiralty has positively censured Captain Nares for leaving his ship at Valentia in order to bring his despatches more speedily to "my Lords" at Whitehall. Let this pass. Let the people of England remember that Nares and Stephenson have solved the arctic problem by determining that it is insoluble.

Mr. Stanley, the celebrated African traveller, who was fortunate enough to discover Dr. Livingstone, and who subsequently received such an enthusiastic reception in this metropolis, appears to be getting into hot-water, not only in the heaven-forsaken country which it delighteth his soul to explore, but also in New York and London. Flushed with his last success, brave, energetic and persevering, as I myself from personal experience knew him to

be, and likewise probably tempted by the liberal subsidies placed at his disposal by the *Daily Telegraph* and *New York Herald*, he started some two years back like a giant refreshed to glean fresh facts aenent the interior of Africa, to find out if possible more sources of the Nile, and, as the sequel proves, to make himself generally disagreeable to the unfortunate tribes whom he chanced to encounter on his path to scientific and geographical victory. From time to time, but at very long intervals, his despatches have reached and been printed in the columns of the *Daily Telegraph*, but his last budget discloses some rather startling facts. Probably Mr. Stanley has been sojourning so long among the savages, that he hardly realises the light in which his atrocities would be regarded in the civilized West. However that may be, the facts remain recorded in his own hand-writing. He is simply a traveller, and to all intents and purposes he is "invading" a country to the entry of which he has no moral or political right, should the Governor or inhabitants of the district object. Ignoring this palpable political fact, Mr. Stanley has, on the slightest show of incivility or opposition, committed a series of murderous and unjustifiable onslaughts on the African recalcitrant tribes, a line of conduct which his superiority in tactics and weapons enabled him to follow with comparative impunity. The self-satisfied periods in which Mr. Stanley described his advance, his prowess and his gratified ambition, at first imposed upon the British Public, but a calmer consideration of the facts produced a strong revulsion of feeling. I cannot do better than transcribe the pith of a memorial on the subject which has been submitted to Earl Derby, our Foreign Minister, and his reply thereto. The document draws his Lordship's attention to the following facts: That "the attitude of the natives of Bambireh Island towards Mr. Stanley might have been slightly dangerous," but that he "resumed his voyage without having experienced any personal violence;" that "Mr. Stanley's narrative does not warrant his supposition that his life was in danger," that "it is respectfully submitted that the destruction of forty-two human beings, and the probable death of a hundred more from wounds, was an act of blind and ruthless vengeance, calling for severe animadversions from Her Majesty's Government;" that "the security of future travellers, as well as the cause of humanity, demands interference;" and that "although it is not known what may be Mr. Stanley's real nationality, as he hoisted the English flag upon the occasion of his second onslaught, an official repudiation of his claim to be regarded as a representative of England appears to be imperatively called for." The reply runs as follows: "His Lordship has read with great regret, &c., &c. It is however impossible to take any direct action in the matter, as

Mr. Stanley is not a British subject." His Lordship cannot but hope that "Mr. Stanley may eventually be able to afford some explanation or justification of his proceedings." "Mr. Stanley has no authority to hoist the British flag, and Lord Derby will cause Her Majesty's Consuls on the East Coast of Africa to intimate this to him whenever an opportunity of communication may offer." This correspondence speaks for itself. Mr. Stanley has no doubt committed what it is now the prevailing fashion to dub "atrocities," but there are not wanting excuses for his summary proceedings. Panic is answerable for a good many cruel deeds, and although I would not insult Mr. Stanley by suggesting that he for one moment yielded to nervousness or pusillanimity, it is impossible to ignore the facts which occurred in Jamaica under Governor Eyre and his subordinates; it is equally out of the question to forget the wholesale slaughter of sepoys in 1858; it is no less difficult to put aside the consideration of what the much-abused Turks were more or less forced to do during the late formidable insurrection in Bulgaria, all incidents more or less attributable to panic. If the natives of Central Africa cannot be conciliated, they will certainly never be coerced. Therefore, whatever explanation may ultimately be put forward, it is undoubtedly unfortunate that the latest pioneer of civilisation substituted explosive bullets for moral persuasion.

The "cause célèbre" of the present hour is the trial at Moscow of Dr. Stronsberg. He was accused and has been convicted of fraudulently obtaining advances from the Commercial Loan Bank in that city, and of bribing therewith certain directors who aided and abetted his nefarious schemes. He is not the first great magnate of finance who has employed equally dubious expedients for sustaining his credit; but then his fiscal devices have ended in failure; he has committed the unpardonable crime of being found out, and he must pay the penalty. It is truly amusing to peruse the virtuous outbursts of indignation which adorn the columns of the Russian Press. If there is a corrupt country in Europe, nay in the world, it is Russia. She is rotten to the core; every functionary, from the deputy assistant clerk to a constable to the judge on the bench has his price. The key of a railway carriage, and the instrument which unlocks the innermost sanctum of a State Minister, are alike to be purchased. A conviction or a pardon are only too frequently dependent on a given number of roubles. And yet not only Russian journals vaunt their impeccability, but even the public prosecutor denounces Dr. Stronsberg as a man "bent upon cheating the honest Russians." The career of the accused man has been remarkable. He began by undertaking small contracts in the construction of Prussian Railways;

his schemes prospered, his fortunes expanded, and his enterprise took a wider field. He "went into" ironworks, coal mines, locomotive construction works, building and water-works; every thing prospered; his magic touch turned dross into gold; and in 1870 he was *bond jide* the possessor of three millions sterling. But the energetic and successful speculator knows not when to stop; he cannot realise that the tide of prosperity which has flowed so long for him must inevitably ebb with even greater rapidity. The war-cloud burst, credit fell, his securities were unrealisable; he was too Napoleonic to accept the situation; he would not abdicate his throne of millionaire and retire on a lavish and yet assured competence. No! his motto was "*tout peut se rétablir.*" He held on; he fought bravely at first, and later on cunningly, but too cunningly; cleverness dwindled into rascality, and he fell. Stronsberg was the German "George Hudson;" their careers were strangely alike. Both were energetic and untiring speculators; both were successful beyond human anticipation; both conferred enormous benefits on their respective countries, and on civilisation in general, by their reckless commercial enterprise and illimitable expenditure of other people's capital; both were maligned by those who had earned or rather realised large fortunes under their guidance and advice; both were courted by noblemen and revered by princes; both were morally kicked by society when reduced to beggary; Stronsberg and Hudson were vultures who batten freely on the golden carion so liberally cast before them by a speculative public. Strousberg's sentence is deferred.

I alluded in my last letter to the astonishment caused not only in India but also in this country by the peremptory utterances of Lord Lytton with regard to the case of Mr. Fuller. English opinion has been still more stirred by the announcement that Mr. Weld, a member of the Civil Service and a Magistrate in Madras, has been suspended for two months for causing the exhumation of the body of a Brahmin from the banks of the chief drinking water tank in accordance with the representations of the Municipal Surgeon. And to our still further surprise, we are informed that the Madras Government have apologised and have given the relatives 800 Rupees for a second burial. Can this tale be possibly authentic? Every one knows the supercilious indifference of natives to sanitary matters; and are they to be allowed to inter their dead in our water tanks? If this sort of thing is to go on, where is the use of attempting to check fever, cholera, or small-pox? If our friends and relations are expected not only to sweat and groan under an Eastern sun for the welfare and maintenance of our oriental possessions, but also to contentedly replenish their filters and drinking cups with a fluid impregnated with the deleterious

gases of defunct Hindoos, it is about time to tell Viceroys and Secretaries of State that the Indian Empire may go to pot, and that Englishmen will not submit to be gratuitously poisoned, because those in authority think it politic not to offend native prejudices.

I am, &c.,

PERIPATETIC.

LONDON, 30th November 1876.

#### DEPRECIATION OF SILVER.

The following letter extracted from the *Daily News* will, be read with interest by residents in India, connected with Indian commerce:—

"SIR,—I have read with much interest your two last articles on the depreciation of silver and its effects upon our Indian Empire, and if I venture to trouble you upon this very important question it is because, as an East Indian merchant of some years' experience, I have lately seen a great change coming over the commerce of that country which, I think, augurs well for the future, and makes me take a much more hopeful view of the subject than any I have yet seen discussed. The difficulty in which the Indian Government now finds itself is this—Its revenue is mainly derived from land which it has settled either in perpetuity, or for very long periods, for the payment of a certain yearly sum in silver, and while its revenue thus remains unaltered it finds that this revenue does not now go so far as it once did in the payment of liabilities which it incurs in gold. It has made a bad bargain, and if it had to settle its land over again it would require a larger sum in silver from its tenants. Does not this point to a very great advance in the prosperity of a very large class in India, the holders of land, who are paying a greatly reduced value for it, and as I shall presently try to prove, are receiving not only as much, but more, out of it than they ever did before? I know well that men with great knowledge and experience of India, such as Lord Northbrook, Sir George Campbell, and others, of whose opinion I would wish to speak with the highest respect, have recently seemed rather to take the view that he must be a very bold man indeed who would venture to propose a new tax for India; but it seems to me that if it is only right and just

that Government should remit taxation, as it has done at times when, through exceptional circumstances, it fell heavily on some particular district, it is equally right and just that a class which has become exceptionally prosperous should be called on to contribute according to its prosperity, to the revenue of its country, especially as I shall try to show that this prosperity, caused by the depreciation in silver, is vastly in excess of the loss which the revenue suffers from the same cause.

The landed proprietor now receives a relatively larger amount of silver for his produce than he did before. Taking the present value of the Rupee at 1s. 6d. sterling, the English merchant has now to send 25 Rupees for every £1 of produce he wishes to buy, instead of 20 Rupees as formerly. The English merchant is no worse off for this, as he can now buy 25 Rupees for £1, instead of 20 Rupees as formerly. But the landed proprietor pays the Indian Government no more for the land which grew this produce, and yet he gets 5 Rupees more for it. Not only that, but the railway company charges him no more for the carriage of it to market. As a matter of fact the railway companies have recently very wisely reduced their rates of carriage, and he now finds that whereas formerly he could only send down his most valuable produce to market, he can now send wheat, seed, and all sorts of low-priced produce, which formerly could not afford to pay the railway carriage. The consequence of this is that large districts in India which formerly had no outlet for their produce, and therefore no object in producing more than they could consume within themselves, have now been brought within reach of the exporting markets; and a natural impulse has been given to agricultural industry throughout the country which it has never had before, and which will do more to promote it than all the artificial aids with which Government and Manchester Cotton Supply Associations have at times attempted to stimulate it for the fostering of their own particular hobbies. The increase of traffic on the railways will alone go far to help the Government in its difficulties. That this is not merely a hopeful theory which

I am propounding, the statistics of the exports from India this season, and in fact ever since the price of silver showed a marked decline on former years, clearly prove. In no other way can the enormous increase in the exports of seed and grain, especially from the West Coast of India, be accounted for.

Take as an example the one article of linseed. Formerly the export from Bombay was, I think, even in the largest years, much under 20,000 tons, this season it bids fair to reach 150,000 tons; and what is true of linseed is true, if in a lesser degree, of all kinds of seed and grain. It is not the price here or any excessive demand which is producing this enormous export. Prices, most people would say, are abnormally low, and the demand to sell, if I may use the expression, was greater than the demand to buy. Such were the quantities of seed offering from India this season, that prices were forced lower and lower, and yet even now, after all this enormous export, when one might have expected to find the crop exhausted, there seems as much offering as ever. Much of this trade passes unnoticed here, for it is with the Continent that the bulk of it is done. In the south of France, and to some extent in Italy, India appears in a fair way to obtain a monopoly for the supply of seed to these large consuming countries. She is pouring in her rapeseed into France to compete with the colzas of that country and Germany. In the linseed trade she bids fair to beat Russia altogether out of the market. Here then I maintain is a prosperity spreading throughout all the land, and reaching districts where it was hitherto little known, and I firmly believe that much, if not all, of this is the effect of the depreciation of silver. So far I have endeavoured to show what the country has gained. I will now endeavour to show that the Government is not altogether a loser. In the first place it must not forget that it borrowed about £70,000,000 sterling; but as it only promised to pay in silver, it now only owes, taking the value of the Rupee at 1s. 6d. sterling, £52,500,000, a difference of 17½ millions in its favour. In the next place, when it engaged its servants, both civil and military, it promised to

pay them a certain number of Rupees while in service, and to allow them to retire after a certain number of years with a pension still payable in Rupees; and they, believing a Rupee was worth 2s., accepted these terms. It is too late for most of them to go back now. Many have retired from the service on their pensions; the others, except perhaps the very youngest, having already served some time, would not only sacrifice their present position, but would lose the certainty of a pension when they had served a certain number of years, a provision which is in reality a part of their pay. Both of these, however, although intrinsically gains to the State, do not help the revenue, as there is still the same number of Rupees to pay.

On the other hand, the railways, as I have already shown, will be more productive; they seem to be so even now, if one may judge from the latest traffic returns. Besides this, the value, at least in silver, of all articles on which Government levies taxes must rise; and this while only a nominal gain to the State is an actual gain to the revenue, while if increased prosperity leads to increased imports or production, it will be an actual gain to both. It is, therefore, only when the Government has to send money to this country to pay debts incurred here that it begins to feel the reduction in the actual if not in the nominal amount of its revenue. Speaking roughly, the amount annually required is nearly £16,000,000 sterling, and as long as the Rupee did not fall under 1s. 9d., the Government did not appear to find their revenue insufficient. With the Rupee at 1s. 6d., then, the difference to make good would be about 12 per cent, or about £2,000,000 sterling. A large part of this money is sent home to pay the dividends on the railways; but if the traffic increases to the equivalent of the loss in the exchange, the revenue will not suffer. In the same way that part of the amount which is required to pay premiums, which are as a rule, I believe, payable at the exchange of the day, will not be affected by the fall in silver. A further amount is required to pay for military and other stores, and I have no hesitation in saying that here there is room for economy,

intelligence, and, above all, supervision. Many of the articles could be bought as good or better, and much cheaper in India, either of Indian manufacture or imported there. To me, therefore, it appears to be the imperative duty of the Government, which has the means of information at its command, to go carefully into these and all similar matters. Let it economize wherever it can, in its Home Government, its civil and military service, its public works, and the purchase and expenditure of its stores. It says openly enough it is in difficulties; let it act as an honest man would who finds himself in difficulties; let it curtail its expenditure to the lowest possible limits. Let it then put the gain—and, I think, there will be found to be at least some gain by the depreciation of silver—against the loss which it has caused; the balance will, I believe, be smaller than was anticipated, and will grow smaller still as time goes on and India prospers. Let the Government then take counsel as to what tax it can best devise which will fall on those who have gained most by the recent change, and thus make good the deficiency in its revenue. Some tax, falling on the landed, the agricultural, and, perhaps, the mercantile classes of the community, would be just, would not, I think, be oppressive, if some system can be devised by which it can be levied without extortion, the great evil of direct taxation in India; and, if well adjusted, falling, as it would in reality, on the rapidly-increasing exports of India would be little felt, and would not, I think, in any way interfere with or curtail them."

#### HIGH COURT—MADRAS.

MORGAN, C. J., AND HOLLOWAY, J.

*Hindoo Law—Undivided family—Purchase and mortgage by managing member—Claim of members to family property free from incumbrance—Costs.*

*A, B, and C were three undivided brothers who did not divide till February 1873. A was managing member. In 1867 and 1869 he purchased for the family two estates for Rupees 83,000 and Rupees 56,000 at Court sales. After purchase, A hypothecated these estates to certain Chetties for moneys borrowed. The*

*Chetties sued A alone in 1873, excluding B and C, and obtained a decree on the mortgaged estates which they purchased in execution. B and C set up division, and sued A and the Chetties for the recovery of their share of the family property free of all incumbrances. The Chetties contended that as they had advanced their money to A as managing member, they were justified in holding the entire estate answerable for their claim.*

*HELD by the High Court that the suit against the Chetties ought to be dismissed. The money was found to purchase the estates; the estates were purchased with that money; and the mortgage was made as security for the money so employed. The division set up was in fraud of creditors; and although the brothers B and C should have been included in the suit by the Chetties against A, the omission could only affect a question of costs. As B and C had a right to be satisfied by evidence that their elder brother A had done an act which was capable of charging them as well as him, the suit should be dismissed without costs.*

R. A. 73 of 1876.

Dalavoy Theetharappa Mudali and another  
v. Dalavoy Ramasamy Mudali and  
eight others.

THESE were cross appeals from the decree of the District Judge of Tinnevelly in Original Suit No. 18 of 1875.

This was a suit brought by plaintiffs to recover their share of family property, real and personal, valued at Rupees 54,937-12-11 free from all incumbrances, and to uphold the plaintiffs' right to the outstanding balances amounting to Rupees 8,250.

The following is the judgment of the District Judge.

F. C. Carr, Esq.

"The plaintiffs and the first defendant occupy the same position as they did in Original Suit No. 12 of 1873 on the file of this Court. It is admitted that they are brothers, but the first defendant Dalavoy Ramasamy Mudali was adopted by his senior paternal uncle Theetharappa Mudali, and hence that in a division between the brothers he is entitled, as his uncle's representative, to a half share, and the two plaintiffs as their father's representatives, are entitled to the other half share.

The elder brother managed the whole property during the days of their prosperity, and all the sales and purchases were effected by him. They remained undivided until February 1873. In November 1867 the zemindary of Oormenialaghian was sold in Court auction for Rupees 83,000, and it was purchased by the present first defendant Dalavoy Ramasamy, the money being credited to the decree amount in Original Suit No. 5 of 1864. He obtained the sale certificate in his name on the 14th

October 1868. On the 20th December of the following year the estate of Chokkumpatty was sold in Court auction and was purchased on behalf of Dalavoy Ramasamy by Iswara Moortia Pillai, the second witness for the plaintiffs. The day-money or deposit of Rupees 14,000 was paid that day, and the remaining three fourths, viz., Rupees 42,000, were paid on the 4th January 1870. The sale certificate for this sale, in the name of Dalavoy Ramasamy (Exhibit XII), was issued on the 13th April of the same year. At the time of these purchases, and until the institution of Original Suit No. 12 of 1873, the plaintiffs, who are the younger brothers of Dalavoy Ramasamy, lived with him; and although the whole management of the property was in the hands of the elder brother, they showed, by numerous actions, ample proof of which is to be found among the title-deeds which have been filed in the present case, that they agreed to all his actions. There can therefore be no hesitation in reiterating the finding on the point in the former suit which was confirmed by the High Court on appeal, that these mittals having thus been acquired by the first defendant in his capacity of manager were in every way not his private, but were family property, in which his younger brothers had a share equal to his own. Sixteen days after the purchase, Dalavoy Ramasamy executed a hypothecation debt bond (Exhibit III) to the firm, who are now represented by the second, third and fourth defendants, for Rupees 57,000, hypothecating the above estates; and on the 14th December 1871 he renewed that bond by another filed as Exhibit IV, and a further bond was executed by him for Rupees 12,000 a few days afterwards. On 3rd March 1873, these merchants brought Original Suit No. 51 of 1873 in the Subordinate Court against Dalavoy Ramasamy on the above mentioned three bonds, and obtained a decree thereon (Exhibit IX) on the 9th April 1873 against the first defendant and the hypothecated property. In July 1873 this same property was sold in execution of a decree in Original Suit No. 5 of 1872 on the file of this Court, but on a petition (Miscellaneous Petition 786) of the Chettiar, the decree-holders in Original Suit No. 51 of 1873, the sale was subject to the mortgage lien which had been established by their decree. The estates therefore realized a merely nominal sum. In September 1874 these Chettiar, proceeded to execute their decree and the properties were sold to them, the certificates [III 1 to 6] which are dated in October and November 1874, giving the particulars of the sale. The object of this suit is to establish the point that these sales did not affect the interest of the younger brothers, but were only valid to pass the half share of Dalavoy Ramasamy to the purchasers. The purchasers, on the other hand, contend that their money was advanced to Dalavoy Ramasamy when he was

the sole manager of the family to purchase the estate, and that they are therefore justified in holding the whole estate answerable for the liquidation of the debt.

The issues settled were :—

*1st Issue.*—Whether the alienations made under the authority of and by the first defendant to defendants two to nine are binding upon the plaintiffs or not?

*2nd Issue.*—What is the amount of the mesne profits, &c., to which plaintiffs may be entitled?

The plaintiffs, by their oral evidence have endeavoured to show that although it was entered in the bond (Exhibit III) that the Rupees 57,000 was advanced in January 1870 for the purchase of Chokkamputty, yet that it was not really advanced for that purpose, but the purchase was effected by the proceeds of the sale of ancestral property. Numerous deeds have been produced showing that between 1868 and the end of 1870 family property to the value of Rupees 70,000 was sold by Dalavoy Ramasamy. These are produced and proved by witnesses three to fourteen, twenty to twenty-four and twenty-nine. The first witness Alagappa Pillai was an accountant under the first defendant up to the time of the purchase, and the second witness Iswara Moortia Pillai, is accountant now under the plaintiffs. They both speak to the same point, and allege that the loan of Rupees 57,000 by the Chettiaris was to pay other debts and not to purchase Chokkamputty. The eighteenth witness speaks to the great prodigality and extravagance of the first defendant in the year 1864-65, when he went to Madras and Benares, thereby sowing the seed for a large crop of debts. Dalavoy Ramasamy also, in his evidence as the defendants' sixth witness, says that it was from compulsion that he stated in the bond (Exhibit III) that the money was borrowed to purchase Chokkamputty but that it was not so really. The compulsion used was that he was told that unless he so entered he should not have the money. The defendants' other witnesses on the other hand speak most positively to the fact that the money was borrowed then for that purpose only, and their statements are in accordance with the accounts Exhibits VI and VII. From this I find it proved that the money for the purchase of Chokkamputty was borrowed as stated in Exhibit III from the Chettiaris.

The next point for consideration is as follows :—

Granting that the plaintiffs were responsible for the loan contracted by Dalavoy Ramasamy when he was managing the affairs of the family and for the purpose of purchasing a property which thereby became not his own but family property; and further marking that in February 1873 the plaintiffs divided from Dalavoy Ramasamy, it is a question whether the Suit 51 of 1873 (Subordinate Court) which was brought after this

division against Dalavoy Ramasamy only, and in which the decree is given against him only, the estate being held security, can be operative over the share in that property which undoubtedly belonged to the plaintiffs? The plaintiffs say that they used all their endeavours to be taken as parties in that Suit 51 of 1873, but without avail; that consequently, and as the Chettiaris deliberately excluded them in the hearing, although knowing they were divided from Dalavoy Ramasamy, the decree cannot be binding upon their share of the estate; and that independently of the nature of the original debt, the Court must now only consider what was the nature of the remedy sought by the creditors in Original Suit No. 51 of 1873, when estimating what passed by the sale in execution. The plaintiff's *vakil* referred to the cases, *Nugenderchunder Ghose v. Sreemutty Kaminee Dosse*, reported at page 241, Volume XI, *Moore's Indian Appeals*, and *Baijun Doobey v. Brij Bhokun Lall Awasti*, quoted at page 68, Volume XI, *Madras Jurist*; but neither of these cases fully covers the present question, since there had been passed therein merely personal decrees; and it was held by the Privy Council in the latter case that the decree being a personal decree against the widow, all that could be sold under the decree was the interest of the widow. The decree, however, in the present instance was more than a merely personal one against Dalavoy Ramasamy, it was directed also against the estate. The *vakil* for the Chettiaris (defendants two to four) on the other hand urges that the money was lent to Dalavoy Ramasamy alone to buy a particular property, and that he bought the property with their money and executed hypothecation bond to them, and therefore, as they gave, so they seek return of their money. He admits that there was knowledge of the division, but adds that it was considered by the creditors to be a fraudulent division, an opinion endorsed by the Court in its judgment in Original Suit No. 12 of 1873. The plaint (Exhibit CC) in Original Suit No. 51 of 1873 on the file of the Subordinate Court was put in on the 6th March 1873 by the Chettiaris against the first defendant Dalavoy Ramasamy, and it was on the 3rd April 1873 that the plaintiffs put in their petition (Exhibit DD) praying that they might be made parties, in order that they might show that property which did not then belong to Dalavoy Ramasamy should not, now that they were divided, be held answerable for the debt. On the 8th April the following order was passed upon their petition :—“The petitioners may come in “to represent their claims at the execution of “the decree; as matters now stand, as plaintiff “asks to proceed against the defendant alone, “and begs me to grant him the relief provided for by the document A, I think it not “necessary to include these petitioners in the “case.”

The following day the case was heard *ex parte* against the defendant, and the decree was passed against him, the estate being held security. The defendants' *vakil* at first suggested that the separation and the desire of the plaintiffs to be made parties in the suit was unknown to the Chettiar, but the (Exhibit EE) deposition given by their agent in Original Suit No. 12 of 1873 on the 18th November 1873, as the second defendants' first witness, is quite conclusive on that point. He says, "I am the agent of Ravana Mana Thana Ama Roona Arnachellam Chetty. In Original Suit 51 of the Subordinate Court he is the plaintiff, and another firm. It was by me that the *vakil* in that case was instructed. All the work of my master is done by me. There is no decree against the present plaintiffs in Original Suit 51—but only against first defendant and the mortgage property. The case is still pending in execution. I have not joined these plaintiffs in that case. They wanted to be made supplemental defendants. I said it is sufficient if I get decree against the first defendant and the mortgage property."

Exhibit FF shows further how the plaintiffs put in an objecting motion when the *mittah* was attached and again asserted their division; the petition was however rejected by the Subordinate Judge, who considered that the plea of the plaintiffs was not sustainable, and directed the right, title and interest of Dalavoy Ramasamy Mudali in the *mittah* to be sold. The notices and certificates of sale which have been filed show that it was that interest alone which was sold. Now it is quite clear that the interest of Dalavoy Ramasamy, even if the deed of division had not been given effect to, was only one half. He had been no doubt the managing member of the family, but he was not sued as such, and the plaintiff in Original Suit No. 51 of 1873 never once speaks of him as the managing member of the family, nor seeks to bind the family through him: and the intentional exclusion of the plaintiffs who were in Court, in order to get an *ex parte* decree against the absent defendant, shows at once that the interest which passed at the sale under that decree can only have been the personal interest of Dalavoy Ramasamy, and that the half share of the plaintiffs remains unaffected by the sale. The plaintiffs' *vakil* further points out that the price realized at the sales, viz., Rupees 30,000 for the *mittah* of Chokkampatty which had been bought for Rupees 56,000, and Rupees 4,000 for the one-sixth of Oormenialaghian, which had in all cost Rupees 83,000 are some indication of what it was that really passed at the sale. No doubt the argument has this negative value that had the prices realized reached the full value of the estates, the purchasers might then have been considered as believing that they were bidding for the whole estate. Beyond

this I do not think the argument can be forced any further. Next as regards the question of the mortgage-deed to the eighth defendant. This deed was executed for Rupees 10,000 lent by the eighth defendant to Dalavoy Ramasamy on the 10th May 1867. At that time and for some years afterwards Dalavoy Ramasamy was the managing member of the family, the plaintiffs lived with him, acquiesced in all his deeds, and distinctly showed their acquiescence in this particular mortgage-deed by themselves attesting it. Their *vakil* attempted, by referring to the case of *Rajam v. Basava Chetti* (High Court Reports, Volume II, page 434) to show that the signatures only implied knowledge of the transaction and not acquiescence. I have not the least doubt that there was in this case full acquiescence and assent by the plaintiffs in the mortgage by Dalavoy Ramasamy, and they are absolutely bound thereby. The result of this judgment is to declare that the plaintiffs' share in the estate of Chokkampatty, in one-sixth estate of Oormenialaghian, and in the lands specified in paras 2 and 3 of Schedule IV of the plaint, which share is one-half share, is declared to be unaffected by the sale of the right, title and interest of Dalavoy Ramasamy Mudali in execution of decree in Original Suit No. 51 of 1873 on the Sub-Court's file to the defendants two, three and four; and farther to declare that the plaintiffs having acquiesced in the alienation of one-third of Kidarangolum by Dalavoy Ramasamy Mudali to the eighth defendant on the 10th May 1867 are bound thereby, and are not entitled to recover any portion of the same, and to declare that the interest of the plaintiffs, which is a half interest, in the outstanding specified in the seventh schedule of the plaint, were not affected by the sale to defendants two, three and four. It is only with these matters that the Court can deal in this suit; between the first defendant and his brothers there is now no point in issue, and they have also met in a suit before relative to their shares. All the costs of the plaintiffs will be borne by the second, third and fourth defendants, and the eighth defendant's costs will be borne by the plaintiff; and the defendants five, six, seven and nine will be exonerated from the decree in accordance with the razee-namahs which have been filed."

From this decision both plaintiffs and defendants appealed to the High Court, the former on the ground that the decree of the District Court was contrary to law and against the weight of evidence in that the Lower Court decided that the plaintiffs were bound in the matter of the alienation by Dalavoy Ramasamy Mudali to the eighth defendant; and that plaintiffs were not entitled to recover any portion of the same.

The second, third and fourth defendants appealed to the High Court against so much of the decree of the District Court as declared the title of plaintiffs to a moiety of the

lands in the possession of second, third and fourth defendants, and the outstanding judgment-debt mentioned in the schedule attached to the plaint. They urged that "upon the findings of fact in the case, the District Judge ought to have held the plaintiffs bound by the sale in execution of the decree in Original Suit No. 51 of 1873; that plaintiffs were entitled to no share in the estate inasmuch as the same was the self-acquisition of the managing member, it having been purchased entirely out of the loan advanced by the said defendants; that the estate having been sold for realizing the very debt which was contracted for its acquisition, the plaintiffs were not competent to impeach the sale; that under any circumstances the plaintiffs could not be entitled to their share in the estate without payment of their share of the purchase-money with interest; that the District Judge misapprehended the effect of the orders of the Subordinate Judge passed on Exhibits DD and FF, in holding that only the share of the first defendant could possibly have passed by the sale in Original Suit No. 51 of 1873; that the said orders clearly showed that the defendants insisted on a decree against the whole of the mortgaged property and not the first defendant's share only; and the decree was accordingly passed. FF2 further shows that the plaintiffs' share was not released from attachment, and that, being comprised in the property mortgaged, it was included in the sale; and that the debt sued for in Original Suit No. 51 of 1873 having now been found to be such as would bind the plaintiffs, their share also in the estate sold had effectually passed to the purchaser, though they were not joined as parties to the said suit.

*S. Nullathumby Mudaliar* for appellants in R. A. 70 of 1876.

*V. Bashayam Iyengar* for appellants in R. A. 73 of 1876.

The High Court delivered the following

*Judgment:—14th November 1876.*

In this case the Judge has made a declaration in plaintiffs' favour as to a portion of the property. The effect of it will be to render the execution of it by the Chetties unavailing as to so much of their security as would have accrued to the plaintiffs upon a division of property unencumbered.

The ground is that the plaintiffs were excluded from the suit in which the decree was made.

The case quoted from XI Moore, has no bearing; for the ground of decision was that, though the nature of the loan may have been such as to create a charge, it could not be so enforced in execution of a mere decree in a suit against the widow for a money demand. Here the suit was to enforce the demand and charge, and the only question really is, Was the mode in which it was created by the one

person (the eldest member) such as to bind the shares of the other members? That this matter might and should have been brought to a decision in the former suit there is no doubt. The only effect, however, of the resistance of the Chetties can be as to the matter of costs. It clearly cannot be used to prevent the dismissal of the suit as against them, if they have proved that the charge was well created as against the plaintiffs as well as their brother. The plaintiffs and their brother, doubtless with a view of defrauding creditors, almost contemporaneously with the former suit made this division which has been elsewhere found to have been made for the purposes of fraud. They seek here simply to have the shares claimed, delivered as unencumbered. They do not ask to be allowed to redeem, and in fact refused to make any offer when the option was given. It is plain, therefore, that in this suit so framed on the findings of the Judge, that the money advanced was for the purchase of the estate of Chokkampatty, that it was purchased with that money, and that this mortgage was made as security for that money so employed, the suit ought to have been dismissed against the Chetties. No attempt has been made to impeach the evidence of these facts.

The Judge has justly found that the evidence which sought to show that the money borrowed was not so employed, is unworthy of belief, and the application of the money asserted by the defendants is clearly proved. There is a large mass of evidence showing this, irrespectively of the recital in the document itself. In one of these cases one of the plaintiffs attested the document which he afterwards sought to impeach. The case seems to be a very clear one, and the suit would have been dismissed with costs, save for the exclusion of the plaintiffs from the former suit.

They had a right to be satisfied by evidence that their elder brother had done an act which was capable of charging them as well as him. The suit will, therefore, be simply dismissed. There will be no costs throughout, for there is a great deal of evidence that the plaintiffs were privy to the whole matter.

#### HER MAJESTY'S PRIVY COUNCIL.

[BENGAL CASE.]

*Mahomedan Law—Transfer of property—Will.*  
D H died in 1841, possessed of half a large zemindary and left five sons and five daughters. According to the contention of one side, he left five widows; and according to the contention of the other, he left one wife and four concubines. E, D H's eldest son, possessed himself of all the property of his deceased father by virtue of two documents which he set up, one a deed of gift and the other a Will. K

the widow of N, the third son of D H, as guardian and protector of her infant daughter R, sued to set aside the deed and will. The Civil Judge decided that both the documents were executed by D H, that the deed was valid, but that the will was invalid because it had not obtained the consent of the heirs other than E. Pending this suit, E had instituted a cross suit against K for the purpose of carrying into effect an alleged compromise to which he said she was a party. This she denied; but she afterwards filed a deed of compromise which had a statement that her daughter R assented. R was also represented as a party to the transaction and as asserting herself to be of age. That compromise was given effect to by the Civil Judge as also by the Sudr Dewanny Adawlut Court, which gave a decree in terms of it. It married a member of the other branch of the family who possessed the half of the zemindary other than that which was held by D H, and in 1860 she filed a suit in which she asserted that she was no party to, and had no knowledge of, the compromise between E and her mother; and that it was effected by fraud and collusion on the part of both of them. She prayed for the setting aside of that compromise and, in substance, for a review of the judgment of the Civil Judge so far as it was against her. She made also two principal claims; the first to a share derived by her father from his brother E H who had died before him; the second to a share in right of her grandmother B L, whom she alleged to have been a wife of D H.

HELD, that there was no intention on the part of D H to part with his property at once to his son; but that both father and son were endeavouring to evade the Mahomedan law, by representing that to be a present transfer of property which was intended only to operate after the father's death; that the will in its general scope appeared to be in contravention of Mahomedan law; that the survivorship between E H and N being a question not made clear from documents set forth was not satisfactorily proved; and that there was sufficient evidence not only from the acknowledgment of N's legitimacy by the family, but from the admission of E that B L was a wife, and not a servant or concubine.

Judgment of the Lords of the Judicial Committee of the Privy Council on the appeal of Ranee Khujooroonisa v. Mussamut Roushun Jehan, from the High Court of Judicature at Fort William in Bengal, delivered 18th May 1876.

*Present.*

SIR J. W. COLVILE.

SIR MONTAGUE E. SMITH.

SIR ROBERT P. COLLIER.

—  
THIS case, which fills a great mass of printed

paper and has occupied much time, finally resolves itself into a few points not attended with any very great difficulty. In order to make those points intelligible a short history of the whole case appears to be necessary. Rajah Deedar Hossein died in 1841, possessed of half of the large zemindary of Soorjapore. He left five sons and five daughters. According to the contention of the one side he left five widows; according to the contention of the other side he left one wife and four concubines. Enayut Hossein, his eldest son, possessed himself of all the property of the deceased Rajah by virtue of two documents which he set up, and which will have to be referred to subsequently, one being a deed of gift as it is called, and the other a will, both dated the 18th November 1839, about two years before the death of the Rajah.

The first document purported to convey to Enayut one-third of the zemindary. The will may be shortly described as giving to Enayut Hossein a third of what remained, burdened with a trust of a somewhat indefinite character for pious uses, but with a bequest of the residue after those pious uses had been satisfied to the beneficial use of Enayut himself. Enayut was put into possession of the whole of the landed property, and it was directed that the other children were not to be enabled to sell or dispose of their shares in any way. Enayut was to pay them certain annuities, which he does not appear to have done, and it was only of the personal property that a division was directed in accordance with the Mahomedan law. By virtue of these documents Enayut took possession of the property of his father, and appears to have reduced the other members of the family to a state of poverty. He struggled for sometime to obtain mutation of names, in pursuance of these documents. The mutation was opposed by other members of the family, but was finally obtained in 1844 upon Enayut giving security. After that time some abortive suits were instituted by different members of the family *in forma pauperis*; but the first proceeding necessary to notice at all at length, is a suit instituted by Khoobunissa, who was the widow of Nuzeerooddeen, the third son of Rajah Deedar Hossein, in 1852, as guardian and protector of her infant daughter Roushun Jehan (the present plaintiff), to set aside both the deed and the will, and to obtain possession on behalf of her daughter of a 14-annas share (the daughter's share) of the property of Nuzeerooddeen. She appears to have also brought a suit for the other 2-annas on her own behalf.

This suit came to be heard before Mr. Loch, who was the Judge at Purneah in 1855. His decision was to the effect that both the documents, the deed and the will, were in fact executed by the Rajah Deedar; that the deed was valid, but that the will was invalid because it had not obtained the consent of the heirs other than Enayut, which according to his view of

the will was necessary by the Mahomedan law. Enaynt Hossein appealed against that decision, and Khoobunissa would have had an undoubted right to her cross appeal but for what subsequently transpired. Pending this suit, which was decided in 1855, Enaynt Hossein had instituted a cross suit against Khoobunissa for the purpose of carrying into effect an alleged compromise to which he said she was a party, he alleging that she had received some 31,000 Rupees and had executed a document compromising the suit in his favour. This she denied. Issues were raised upon it, and this case came on for trial in August 1856, rather more than a year after the other decision. But on the 30th August of that year, a compromise, which in some respects may be undoubtedly called a real compromise, was come to. Khoobunissa then filed a document, in which she declared that she would not any longer contest the questions between her and Enaynt Hossein; that she had received certain money from him and agreed altogether to his terms, and in that document there was a statement that her daughter Roushun Jehan assented to this compromise. Roushun Jehan was also represented as a party to the transaction, and as asserting herself to be of age. That compromise was given effect to by Mr. Loch; it was also given effect to by the Sudr Dewanny Adawlut Court, which dismissed the appeal and gave a decree in the terms of it in December 1856.

Roushun Jehan, the present plaintiff, in 1859 married Syud Ahmed Reza, a member of the other branch of the family, who possessed the half of the pargannah Soorjapore other than that which was held by Deedar Hossein; and in 1860 she filed a suit, in which she asserted that she was no party to and had no knowledge of the compromise between Enaynt and her mother, and that it was effected by fraud and collusion on the part of both of them. She prayed that that compromise might be set aside, and she prayed in substance for a review of the judgment of Mr. Loch, so far as it was against her. She made also three further claims; the first to a share derived by her father from his brother Edoo Hossein, who had died before him; the second to a share in right of her grandmother, Bibee Lodhun, whom she alleged to have been a wife of Deedar Hossein. She thirdly claimed that there should be added to the whole zemindary property a portion which Enaynt Hossein had recovered by a decree of this Board against the Rezas, in respect of the right of his grandmother Ranees Sumree. It may be as well at once to dismiss this part of the case, by stating that it is not now denied on the part of Enaynt that he recovered this sum, not in his own right, but as a trustee for all the other members of the family.

This suit appears to have been deplorably dealt with in the inferior Courts of India. It

came first before Mr. Beaufort, who framed a certain number of issues, and proceeded as far as deciding the issues in bar. Then it came before Mr. Birch, who upset all that Mr. Beaufort had done, and dismissed the suit altogether in a summary manner, on the ground that the cause of action was not stated with sufficient precision. The High Court set this mistake right by remanding the cause to be retried; whereupon it came before Mr. Simson, who had succeeded Mr. Birch. Mr. Simson, who seems to have very imperfectly apprehended the nature of the suit, framed an issue, which by no means decided it, and after his trial (if it can be so called) of the case, it came before the High Court again, and was again remanded. This occurred in January or February 1864, when a very careful and luminous judgment was given by the Chief Justice Sir Barnes Peacock and another member of the Court, which it is now necessary more particularly to refer to. The High Court, after stating that the case had not been properly tried or even apprehended, remanded it for the following issues to be tried, in addition to the one laid down by Mr. Simson, which was as to the validity of the deed. "1. Was the plaintiff of age according to the Mahomedan law, independently of Regulation XXVI of 1793, at the time when the alleged compromise was effected? 2. Did the plaintiff execute the documents which purport to have been executed by her, or any and which of them? 3. If so, was she induced to execute the same by means of fraud or misrepresentation? 4. Was the compromise a fair one and beneficial to the plaintiff? 5. Did the plaintiff receive any portion of the money alleged to have been paid by the defendant or any portion of the profits of the putnee talook? 6. Did the plaintiff's mother Khoobunissa receive the money? 7. Were all or any and which of the receipts, alleged by the defendant in his written statement to have been executed by the plaintiff, executed by her? 8. Was the decree in the Zillah Court of Purneah of the 30th August 1856, establishing the receipt for the 31,400 Rupees, obtained by fraud or misrepresentation? 9. Was the decree of the Sudr Court of the 10th December 1856, founded on the alleged compromise, obtained by fraud or misrepresentation? 10. If not, was it binding on the plaintiff as carrying out an arrangement beneficial to her, which her mother, as her guardian, was competent to enter into?" The High Court proceed to say, "These are the issues which we consider necessary for a proper determination of the plaintiff's right to set aside the decree of the Sudr Court. It appears to us that this appeal is in the nature of a bill for a review of judgment, and therefore when the decree is set aside by virtue of a regular suit, the same rights will arise as if the Court upon review of judgment

"had set aside its own decree." Then they go on to say : "The above issues will apply of course to the plaintiff's claim only so far as affects that portion of Deedar Hossein's property which was the subject of the former suit, but they do not apply to the shares which belonged to her uncle and her grandmother, or to the share of the property recovered by the defendant by the decree of the Privy Council. These are wholly distinct matters from that at issue before Mr. Loch, and therefore as to them we think it proper to lay down the following issues to be tried by the Judge." Then come six more issues : "1. Did the father of the plaintiff survive her uncle Edoo Hossein, and is the plaintiff entitled to recover any and what portion of the share, if any, of her uncle Edoo Hossein of the estate of the plaintiff's late grandfather Rajah Deedar Hossein ? 2. Did Edoo Hossein receive the allowance given by his father's will, or assent to the will ? 3. Did the plaintiff's grandmother, Mussamut Bibee Loodhun, alias Saemah, succeed to any and what portion of the estate of Rajah Deedar Hossein ? 4. Did Bibee Loodhun take the allowance as alleged in the defendant's written statement ? 5. Is the plaintiff entitled to recover any and what portion of Bibee Loodhun's share, if any, of Rajah Deedar Hossein's estate ? 6. Is the plaintiff entitled to recover any and what portion of the one-anna eight-gundas share of the zemindary of Soorjapore, recovered by the defendant under decree of the Privy Council dated the 11th July 1859 ?"

All the first ten issues which related to the validity of the compromise in the suit which was heard before Mr. Loch, and came before the Sudr Dewanny Adawlut, were decided by the Judge, Mr. Muspratt, before whom this case came on its remand, in favour of the Plaintiff. With respect to the latter issues, the learned Judge found against the plaintiff upon the question of Edoo Hossein surviving his brother Nuzeeroodeen, her father, and he found against her on the question of her right to succeed to any portion of the property of her grandmother Bibee Loodhun. The case came on appeal before the High Court, who gave a very elaborate judgment in January 1866. The High Court agree with the learned Judge of the Zillah Court in his finding on all the ten issues relating to the compromise, and there being two concurrent findings upon these issues, which are questions of fact, their Lordships are by no means disposed to disturb them. Indeed, it has scarcely been argued that, giving effect to the rule on this subject, they should be disturbed.

The High Court next came to the conclusion, that the compromise being set aside, owing to fraud and collusion on the part of Enayut Hossein, Enayut Hossein's right

of appeal against Mr. Loch's judgment was not revived, whereas the right of appeal on the part of the plaintiff Roushun Jehan was revived. From that finding their Lordships differ. It appears to them that the effect of setting aside the compromise was to remit both parties to their original rights, and that if the plaintiff is to be allowed to be heard to appeal against so much of the decision of Mr. Loch as is against her, Enayut Hossein ought to be heard to appeal against so much of the decision as is against him. The High Court further affirm the decision of Mr. Loch on the subject of the will, which was in favour of the plaintiff, but they reverse his decision so far as it concerns the deed which was against her. Further they reverse the decision of Mr. Muspratt upon the two questions of the right of the plaintiff to succeed to Edoo Hossein, and of her right to succeed to her grandmother. The case, therefore, reduces itself to four questions, —first, the validity of the deed ; secondly, the validity of the will ; thirdly, the survivorship between Edoo and Nuzeeroodeen ; and, fourthly, the plaintiff's right to succeed to her grandmother.

The policy of the Mahomedan law appears to be to prevent a testator interfering by will with the course of the devolution of property according to law among his heirs, although he may give a specified portion, as much as a third, to a stranger. But it also appears that a holder of property may, to a certain extent, defeat the policy of the law by giving in his lifetime the whole or any part of his property to one of his sons, provided he complies with certain forms. It is incumbent, however, upon those who seek to set up a proceeding of this sort, to show very clearly that the forms of the Mahomedan law, whereby its policy is defeated, have been complied with. There is no question of the execution by Rajah Deedar Hossein of this deed giving one-third to his son Enayut on the 10th November 1839. The deed was either—to use English expressions—a deed of gift simply, or a deed of gift for a consideration. If it was simply a deed of gift without consideration, it was invalid unless accompanied by a delivery of the thing given, as far as that thing is capable of delivery, or, in other words, by what is termed in the books a seisin on the part of the donee. In their Lordships' judgment there was no delivery of this kind. Even assuming that although the estate was under attachment, a sufficient seisin in it remained to the donor which he could impart to the donee, still it appears by the evidence of Mr. Perry, which is treated as trustworthy on both sides, that in point of fact Rajah Deedar Hossein remained in receipt of the rents and profits of the property until his death. Therefore if the deed were a mere deed of gift there was not that delivery of possession which was necessary to give it effect.

by Mahomedan law. A question which was touched upon, though not much argued, viz., whether the doctrine of Mahomedan law relating to "confusion of gifts" applied, appears not to arise, as there was no delivery of possession.

But it was contended that this was a deed of gift for a consideration, and therefore that the delivery of possession was not necessary. But it was conceded that in order to make the deed valid in this view of the case, two conditions at all events must concur, viz., an actual payment of the consideration on the part of the donee, and a *bona fide* intention on the part of the donor to divest himself *in praesenti* of the property, and to confer it upon the donee. Undoubtedly, the inadequacy of the consideration is not the question. A consideration may be perfectly valid which is wholly inadequate in amount when compared with the thing given. Some of the cases have gone so far as to say that even a gift of a ring may be a sufficient consideration; but whatever its amount it must be actually and *bona fide* paid.

Upon the subject of consideration there is the evidence of Mr. Perry, who was present at the time of the execution of the document, who says that the Rajah admitted that at some previous time he had received the consideration. There is the evidence of Enayut Hossein himself, who speaks to having paid the consideration, although he does not condescend to any particulars, and there is the evidence of one or two other witnesses, who speak of the consideration being given at the time of the execution, which appears scarcely reconcileable with the evidence of Mr. Perry. But the whole transaction must be looked to. Mr. Perry speaks, as far as his knowledge is concerned, of the deed remaining in the possession of Rajah Deedar Hossein, although no doubt there is some evidence to the opposite effect. But it is certain that no proceeding was taken for obtaining mutation of names for more than twelve months after the execution of the deed. A petition was presented on the 16th March 1841, purporting to be on the part of the Rajah, and requesting a mutation of names, and there was another by Enayut on the 3rd May of that year. But, on the 19th June of that year, the Rajah Deedar presented a petition altogether repudiating the transaction, declaring that he had received no consideration money whatever, that it was not intended that any transfer should take place until after his death, and praying that the mutation of names should not be effected. On being questioned what his real wishes were, he still persisted in declaring his wish that Enayut should not be substituted for him in the books of the collectorate. It is true that on the 19th November 1841 a petition was laid before the Collector, purporting to come from Deedar Hossein, in which he set up the transaction, declaring that he had received the consideration money, and desiring that the name of his

son should be entered, but that was several days after he was dead. He died on the 15th. The petition was dated on the 14th, received on the 19th, and the Collector very properly declined to act upon it. No evidence was given as to the state of the Rajah when he executed this petition, so shortly before his death, (if indeed he did execute it,) although Rajah Enayut Hossein and Heera Lall, the mokhtar who was concerned in it, either of whom could probably have given information on the subject, were not examined as witnesses in the cause.

Taking into consideration all these circumstances, their Lordships have come to the conclusion, that the transaction set up on behalf of the defendants was not a real one, that no real consideration passed, that there was no intention on the part of the Rajah to part with the property at once to his son, but that both father and son were endeavouring to evade the Mahomedan law, by representing that to be a present transfer of property which was intended only to operate after the father's death. Their Lordships therefore agree with the High Court in their view of the effect of the deed.

The next question arises as to the will. It was found as a fact by Mr. Loch that the heirs had not consented to this will; and with that finding their Lordships are satisfied. But it was argued by Mr. Cowie, first, that the will did not require confirmation; secondly, that at all events so much of it as gave one-third to Enayut Hossein for pious uses was not in contravention of Mahomedan law, and was therefore valid without confirmation. The effect of the will is, in the first place, to declare Enayut Hossein the executor and representative of Deedar, and to direct him to look after the zemindary, and so forth. Then follows this passage: "I divide the remaining two-thirds "now under my possession, uninterfered and "unconcerned by any one else, into three por- "tions. One portion to be laid out as the ex- "ecutor may think proper for the testator's "welfare hereafter, by charity and pilgrimage, "and keep up the family usage, namely, the "expenses of the mosque and tazeebaree of "the sacred martyrs, and for the comfort of "the travellers, the surplus amount to be ap- "propriated by himself the executor." Then it goes on to say, "from the other two-thirds "he shall keep everyone by his good conduct "and affection contented and satisfied. It is "also necessary for all persons having rights, "heirs, and friends connected with me to obey "the said executor and consider him my re- "presentative." Then further: "None of the "heirs have power to sell or divide the landed "property mentioned in the will." This will, in its general scope, appears to their Lordships to be in contravention of Mahomedan law. With respect to limited contention, that it may be supported with respect to the devise of the one-third share, it appears further to

their Lordships that that devise, considering the vague character of it, and that the beneficial interest is left to Euayut Hossein after he has devoted what he may deem sufficient to certain indefinite pious uses, is in reality an attempt to give, under colour of a religious bequest, an interest in one-third to Euayut Hossein, in contravention of Mahomedan law.

The survivorship between Edoo and Nuzeeroodeen is a question made by no means clear on either side. Mr. Muspratt appears to have decided it almost, if not entirely, upon the ground that Euayut Hossein put in certain proceedings *in forma pauperis*, the petition to sue and other documents, purporting to have been executed by Edoo in 1845. If he did then execute them, undoubtedly he had survived his brother, who died in January or February 1844. There appears to have been oral evidence on both sides; on the one side, that Edoo lived until 1845, on the other, that he died some time in 1843, a few months before his brother. The judgment of the High Court appears to be in effect that after a very careful consideration of these documents, after directing various searches for the originals, of which attested copies were produced, which searches proved fruitless, they have come to the conclusion that these documents are not genuine. Their Lordships do not feel that sufficient is laid before them to satisfy them that the High Court were wrong in that decision. These documents being rejected as fabricated, the Court say in substance that they credit the testimony of the plaintiff rather than that of the defendant, who had shown himself capable of fabricating documents, and that they do not in this question believe witnesses who on other parts of the case had not been believed.

Under these circumstances, whatever might have been their Lordships' view if the case had come before them as a tribunal of first instance, they do not think that sufficient ground has been shown for reversing the decision of the High Court.

There remains the question of the right of the plaintiff to succeed to Bibee Loodhun, and that depends upon whether Bibee Loodhun, was merely a concubine or a wife. It is an undisputed fact that Nuzeeroodeen, the son of Bibee Loodhun, was treated by his father and by all the members of the family as a legitimate son. It is not that he was on any particular occasions recognized by his father, but that he always appears to have been treated on the same footing as the other legitimate sons. This of itself appears to their Lordships to raise some presumption that his mother was his father's wife. That such a presumption arises under such circumstances appears to have been laid down in a case which has been referred to, *Khajah Hidayut Oollah v. Rai Jan Khanum*, in the 3rd Volume of Moore's Indian Appeals, p. 295, in which Dr. Lushington, who delivered

the judgment of this Board, makes this observation (p. 318): "The effect of that appears to be, that where a child has been born to a father, of a mother where there has been not a mere casual concubinage, but a more permanent connection, and where there is no insurmountable obstacle to such a marriage, then, according to the Mahomedan law, the presumption is in favour of such marriage having taken place." In this case there is no evidence that Bibee Loodhun was a woman of bad character, or that her connection was merely casual. She appears to have lived in the house at all events up to the death of the Rajah.

The same doctrine was laid down rather more strongly in a recent case, which came before this Board on the 20th March 1873. In the case of *Newab Mulka Jehan Sahiba v. Mahomed Uskkurree Khan*, a case from Oudh, and a Sheehah case, their Lordships say: "This treatment of 'the daughter by the appellants'—that is to say, the treatment of the daughter as a member of the family,—affords a strong presumption in favour of the right of her mother to inherit from her." The question there was whether the mother who was said to be a slave girl, inherited from her daughter, whom she survived, the same question which would have arisen in this case if Bibee Loodhun had survived her son Nuzeeroodeen. Their Lordships go on to say, after noticing various acts of acknowledgment of the legitimacy of the child:—"After these acknowledgments, Mulka Jehan and the appellants who act with her ought in their Lordships' view to have been prepared with strong and conclusive evidence to rebut the presumption raised by their own acts and conduct; and in the absence of such evidence, they think the presumption must prevail."

It appears to their Lordships, therefore, that the undoubted acknowledgment by the father and by the whole family of the legitimacy of Nuzeeroodeen raises some presumption of the marriage of his mother. But it is said that that presumption is rebutted. The evidence chiefly relied upon for that purpose is the will of the Rajah, in which undoubtedly there is this expression: "For the maintenance of four female servants monthly, 75; annually 900," and Bibee Loodhun does appear to have been one of those female servants there mentioned. At the same time, it is to be observed, this expression occurs only in the schedule; whereas in a part of the will preceding that schedule there is this expression: "The shares of the executor and of the sons, daughters, and wives of the testator and other claimants from the estate fixed annually at," so and so; and the subsequent provision for the maintenance of every female servant appears to be an expansion of that paragraph in which they are spoken of as wives.

But further, there is the undoubted acknowledgment by Enaynt Hossein himself of Bibee Loodhun being a wife, inasmuch as when Khyroonissa, the principal wife brings a suit against him, Enayut Hossein objects, on the ground that Bibee Loodhun, one of the other wives, is not joined.

Under these circumstances it appears to their Lordships that there is evidence not only from the acknowledgment of Nuzeeroodeen's legitimacy by the family, but from the admission of Enayut Hossein, that Bibee Loodhun was a wife, and not merely a servant. It is indeed alleged that she was what is called a temporary wife, and among the Sheeah sect there appears to be a power of taking a mere temporary wife. But it is to be observed that there is no evidence of hers being what is called a temporary marriage, and indeed the witnesses who seek to impugn the marriage on the part of the defendant speak of Bibee Loodhun not as a temporary wife but as a mere servant. The question, therefore, seems to be not whether she was a temporary wife in the sense attached to that term in Mahomedan treatises, but whether she was a wife or whether she was a mere servant. On the whole their Lordships concur with the finding of the High Court. The evidence preponderates that she was a wife and not as a mere servant, though no doubt a wife of an inferior order.

A question further arose as to the amount of the share which the plaintiff would be entitled to, assuming that Bibee Loodhun was a wife, and it would certainly seem that her share would only be a fifth of an eighth, that is, a fortieth share; whereas she appears to have received something more by the decree of the Court. But it is to be observed that this in a great measure is a matter of detail, and possibly a clerical error or miscalculation, which might have been set right on an application to the High Court, and that in fact the High Court did invite applications for the purpose of remedying errors of this kind.

The result is, that with the exception of the slight variation of amount in the case of the claim of Mussamut Bibee Loodhun, their Lordships will humbly advise Her Majesty to affirm the decree of the High Court and to dismiss this appeal with costs.

## CIRCULAR ORDER OF THE BOARD OF REVENUE.

### No. XVII.

STANDING NO. 385-3 AND 4132.

#### ACCEPTANCE OF PRESENTS FROM NATIVE CHIEFS AND OTHERS BY GOVERNMENT SERVANTS.

*Proceedings of the Board of Revenue, dated 9th November 1876, No. 2780.*

The following summary of the existing law and rules regarding the acceptance by Government servants of presents from Native Chiefs and others is circulated for information and guidance:—

(1). “The main provisions of the law on the subject are contained in 13, George III, Chapter 63, Sections 23-24; 33, George III, Chapter 52, Sections 62-63; 3 and 4 William IV, Chapter 85, Section 76.

(2). “The prohibition of the receipt of presents from Native Chiefs and others does not extend to the receipt of a few flowers or fruits and articles of inappreciable value, although even such trifling presents should be discouraged.

(3). “It does not extend to the exchange of presents between Governors, Lieutenant-Governors, Chief Commissioners, Agents to the Governor-General, or Political Officers generally in their ceremonial intercourse with Native Chiefs, on which occasions the presents from the Chiefs are deposited in the Government Toshakhana and return presents are given at Government expense.

(4). “It does not apply to presents to Medical Officers made *bona fide* for services rendered.

(5). “The general prohibition extends to all servants of Government, Native or European, Covenanted or Uncovenanted, in whatsoever Department they may be serving.”

(6). “Where presents cannot be absolutely refused without giving offence, they must be delivered up to Government, and to this rule no exception whatsoever is permissible save with the express sanction of His Excellency the Governor-General in Council, which will only be given under very special circumstances.”

2. The above rules are to be strictly observed, and no deviation therefrom is permitted, except with the previous sanction of the Government of India.

(True Extract.)

(Signed) H. E. STOKES,  
Acting Secretary.

## OFFICIAL PAPER.

## CONSOLIDATED CUSTOMS ACT.

*Proceedings of the Madras Government, Revenue Department, 30th October 1876.*

Read the following letter from the Honorable T. C. HOPE, Officiating Secretary to the Government of India, Department of Revenue, Agriculture, and Commerce, (Custom), to, the Honorable W. HUDLESTON, Chief Secretary to the Government of Madras, dated Simla, 21st October 1876, No. 4:—

I AM directed to forward copies of the correspondence noted in the margin on the subject of the revision of

From Government of Bengal, No. 774, of 23rd March 1876, with accompaniments.

To do. No. 8, dated 21st October 1876.

ras similar to that proposed for Calcutta would, in the opinion of His Excellency the Governor-General in Council, be very desirable.

From H. J. REYNOLDS, Esq., Officiating Secretary to the Government of Bengal, to the Secretary to the Government of India, Department of Revenue, Agriculture, and Commerce, dated Calcutta, 17th March 1876, Miscellaneous Revenue, No. 774.

I am directed to submit, for the consideration

Letter from the Chamber of Commerce, dated 7th February 1876.

Letter from the Board of Revenue, No. 155-B., dated 3rd March 1876, reporting on the above.

Committee to consider and report on the modifications desirable in the Consolidated Customs Act VI of 1863, and to state that the Lieutenant-Governor supports the suggestion of the Chamber of Commerce and the recommendation of the Board of Revenue that a Committee should be appointed.

2. His Honor thinks that a Committee consisting of two members would be sufficient. It would be his wish to place Mr. J. A. Crawford of the Civil Service, who is shortly expected from England, on the Committee, as his special experience of the subject is likely to be valuable, and to select the other gentlemen from the mercantile community.

From H. W. J. WOOD, Esq., Secretary, Bengal Chamber of Commerce, to the Secretary to the Government of Bengal, Revenue Department, dated Calcutta, 7th February 1876.

On the 29th January 1863 His Excellency the Governor-General in Council gave his assent to a Bill for consolidating and amending the

laws relating to the administration of the Department of Sea Customs in India, and the provisions of the Act then passed as No. VI of 1863 have been in force since that date with the exception of one or two of the sections which have been repealed by later enactments.

2. Various causes, however, have, of late years, conspired to render many of the provisions of the Act inapplicable to present circumstances, but specially the altered condition of a large proportion of the carrying trade of the day, which has been effected by the Suez Canal route of communication with Europe; and the considerable steamer tonnage entering and clearing from British Indian ports renders it absolutely expedient that the Act be so modified as to meet the requirements of that class of vessels.

3. This subject was under discussion by the Chamber early in 1872, when several proposed amendments were submitted for the consideration of the Board of Revenue, but no steps appear to have been taken to give effect to the Chamber's recommendations; and I am instructed to bring the matter to the notice of His Honor the Lieutenant-Governor with the view to the appointment of a Committee to consider in what respects the Act is capable of modification, and to its being brought more in harmony with the existing state of trade.

## No. 420.

Copy forwarded to the Officiating Secretary to the Board of Revenue, Miscellaneous Revenue Department, with the request that the Lieutenant-Governor may be favoured with an expression of the opinion of the Member in charge on the proposal made by the Chamber of Commerce.

(By order of the Lieut.-Governor of Bengal.)

(Signed) J. A. BOURDILLON,  
Ag. Asst. Secy. to the Govt. of Bengal.

CALCUTTA, 15th February 1876.

From W. H. GRIMLEY, Esq., Officiating Secretary to the Board of Revenue, Lower Provinces, to the Secretary to the Government of Bengal, dated Fort William, 3rd March 1876, No. 155-B.

I am directed by the Member in charge to acknowledge the receipt of your endorsement, No. 420, dated 15th ultimo, requesting an expression of the Member in charge's opinion on a reference made by the Bengal Chamber of Commerce regarding the expediency of amending the Consolidated Customs Act VI of 1863, and in reply to state as follows:—

2. The Member in charge has for some time past considered that there were many points in the existing Act in which improvements were necessary, and nearly three years ago, in this office No. 304-C, dated 13th June 1872, he

addressed Government on the subject and indicated some of the most important respects in which the Act required remodelling. He is convinced that, in carrying out the provisions of the Act, some unnecessary complexity has been introduced into the business of the Custom House, and that what is required is a more simplified procedure, and the adoption of the Act to the conditions brought about by the Suez Canal route of communication.

3. Before suggesting any measures to Government, Mr. Money desired the Officiating Collector of Customs, Mr. T. B. Lane, who, both as Secretary to the Board for many years and also in his present capacity, has had considerable experience in Customs matters, to prepare a note embodying the chief points in which inconvenience is caused to the public by the enforcement of the provisions of Act VI of 1863. The Collector has now submitted a note, copy of which I am directed to forward for the consideration of His Honor the Lieutenant-Governor.

4. The note is a fair statement of the various difficulties which have arisen in the Customs work under the present Act. Without entering into details of each case or discussing the remedies suggested, Mr. Money is prepared to state that he agrees generally with the Collector in his exposition of the matter. The note, however, does not exhaust the subject. There are other questions of reform which it does not touch upon : one case may be instanced. Under the wording of Section 155 the Collector of Customs has no power to insist on a cash deposit or a mortgage or pledge of deeds, with the bond taken under that section, as the words "bond with sufficient security" have been held, under legal advice, to mean "a bond with sureties" and, nothing else, and no further security can be required until the law is altered.

5. The question of the revision of the conditions of the law (Sections 126 to 129) under which port-clearances are granted has been quite recently urged upon the notice of the Member in charge by a committee of delegates from the Chamber of Commerce. It was represented that much advantage would be gained if the agent of the ship could be allowed to file a correct manifest within a certain number of days—say three clear working days—after the clearance of the ship under some guarantee, a penalty enforceable in case of non-compliance. But as the law now stands, the manifest must be filed at the time of requesting a port-clearance, and though some license on the point has been allowed, no ship is permitted to get her clearance paper finally till the manifest has been filed.

6. A reference on this subject was made to the Customs authorities in Bombay and Madras, and from the answers received it appears that a similar difficulty has long been felt at both places. In practice, however, an attempt has been made to avoid the difficulty by allowing

mail and certain other steamers to clear before putting in a manifest, a guarantee being taken from the ship's agent that the necessary papers will be put in afterwards. This is a measure of very doubtful legality, and in Bombay the guarantee letters are said to be quite useless, the promise they contain never being fulfilled owing to the absence of any legal enactment by which it could be enforced. The want of some remedy in the Act itself is evident.

7. Some of the inconveniences and defects of the Act have been removed or ameliorated by special orders and rules passed from time to time as necessity arose ; it is now desirable that such orders and rules, in cases where their continuance is necessary, should receive the significant stamp of legislative enactment. On every consideration, therefore, the Member in charge is prepared to support the recommendation of the Chamber of Commerce regarding the expediency of appointing a committee to consider what amendment of the Act is required in order to adapt it to the existing state of commerce.

Since the present Customs Act VI of 1863 was passed, the circumstances of the trade of Calcutta have greatly changed in several important respects.

In 1862-63 all vessels with cargo from Europe came to Calcutta round the Cape, with the exception of the Peninsular and Oriental Steamers from Suez, to the number of twenty-four in the year. Out of a total number of 1,020 vessels arriving at Calcutta, 112 only were steamers ; the other eight-ninths were sailing vessels.

In 1874-75, out of a total number of 1,319 arrivals at Calcutta, 640, or nearly one-half, were steamers, of which again 119 came by the Suez Canal.

In 1862-63 the value of the Calcutta trade in round numbers was in imports  $16\frac{1}{2}$  millions, in exports  $19\frac{1}{2}$  millions, or a total of  $35\frac{1}{2}$  millions.

In 1874-75, with imports valued at 25 millions, and exports at  $28\frac{1}{2}$  millions, the total value came to  $53\frac{1}{2}$  millions.

In 1862-63 all cargoes were discharged into boats by manual labour, and the unloading of a ship occupied from six weeks to two months.

In 1874-75, 142 vessels were discharged at the Port Commissioners' jetties, the average time so occupied by each vessel being five days, whilst the unloading of vessels in the stream was ordinarily completed in about twenty days.

Further, in 1862-63 no mails came by Bombay to Calcutta, and there was no telegraphic communication with England.

A brief consideration of these several changes renders it easy to understand that a Customs Law, passed in 1863, may have proved very inapplicable to the Calcutta trade of 1875. As

a fact, the Calcutta mercantile community has for some years past, from time to time, complained of the inconvenience and difficulties caused by the unavoidable enforcement of the provisions of Act VI.

In 1863 time was apparently no object. In 1875 every one is in a hurry—the ship-owner to get the greatest possible number of voyages from each of his vessels, the merchant to turn his money over as often as possible.

The almost unlimited use of the telegraph and the facilities afforded to traders by the banks of the present day have resulted in the greatest possible pressure on the loading of vessels in Great Britain and on their discharge and reloading here.

Turning to the Act, it will be seen that under the general head of Importation the present law requires the delivery, by the master of the vessel, of a manifest of each ship's cargo, first to the pilot after entering the Hooghly, and next at the Custom House when the vessel is there entered for the discharge of cargo. When the cargo is such as salt or coal, there is no difficulty about these manifests; but with a general or mixed cargo, it results, from the hurried loading in Great Britain, that the manifest delivered to the pilot is seldom correct, whilst an accurate manifest, or the bills of lading for preparing it in Calcutta, come by overland mail to the Agents direct.

In the beginning of 1874 this part of the law was so far relaxed by special Government orders as to allow discharge of cargo to begin, subject to delivery of the manifest by the master within twenty-four hours after the ship's arrival. This procedure does not, however, seem to me to meet the difficulty. First, the ship's agents should be allowed to deliver the manifest at the Custom House as soon as they have received it by mail (even if that be before the ship arrives); that is, the agents should be legally substituted for the master.

Next, the delivery of manifest to the pilot should be no longer required. Next, if by any mischance, such as an accident delaying the mails, the ship should arrive before the manifest could be given in, leave should be given, under all necessary precautions, to discharge the whole of the cargo without interruption if required in the interests of the ship, subject of course to any special conditions in the bills of lading. Jetty ships would thus deliver their cargo into the custody of the Port Commissioners, whilst ships in the stream would send their cargo to the Custom House.

In the event of the manifest reaching the agents and being filed at the Custom House before the ship's arrival, consignees could be allowed at once to apply for passes, and thus be ready to take delivery immediately on the ship's entry. Very great relief would be given by this change, and most specially so at every

recurrence of the holidays which are now felt to be such a hindrance to the trade.

In the other case, however, of delay in the delivery of the manifest, and particularly where the ship would discharge in the stream, it would be obviously necessary to make certain restrictions in the interest of the consignees. On such an occasion the shipping interest would be in direct collision with them, and it would be absolutely necessary to limit the ship strictly to a scale of landing charges, not exceeding say the jetty rates, or some other reasonable scale, and to provide for the customary lauding of certain classes of goods under out-passes, that is, without bringing them through the Custom House.

Such changes as these would allow of the removal of many of the restrictions imposed by the present Sections 33 to 61, and with due regard to the conflicting interests concerned, would be generally much appreciated.

The following Section 62, has been formed to work hardly in the case of goods of which the invoice has been mislaid or delayed. The necessary thorough examination of such goods for assessment is said often to injure them, and might be altogether avoided if the law was so altered as to allow of their being warehoused. Such permission could be unobjectionably given under certain rules providing for a sufficient cash deposit, pending assessment for duty and for the custody of the goods in the bonded warehouse. The last sentence in this section has also given rise to much discussion from time to time, and it is a question for consideration whether a revaluation of goods should not be allowed in cases where an error has been made by a customs officer. Obvious mistake are sometimes made, and either the chief officer of customs, or the chief customs authority, should have discretion to apply a remedy.

Sections 65 and 66 require to be made more clear in prescribing the mode of original assessment of damaged goods on their entry. The practice is to assess the goods as if they were undamaged, and this should be authorized. The actual duty paid is by Section 66 regulated on the price realised at auction.

Before going on to the sections headed "Warehousing," I would notice that amongst the "general provisions" of the Act, preceding the chapter on Importation, Section 26 should be so amended as to show what is meant by the 'real value' of goods, as also to enable the officer of customs to ascertain that value more nearly than he can now do by law. Section 27 also requires revision, as pointed out in a special correspondence last year. The Collector is now held bound to sell at once by public auction to the highest bidder, and the Government is laid open to some risk of loss. This section should be altered to agree with the corresponding section in the English law as explained in the correspondence referred to.

On the other hand, larger discretion should be given to the Collector of Customs in allowing amendment of valuations. Under-valuation often happens from other causes than "accident;" or instance, from misunderstanding of rules or phrases, from the stupidity of petty clerks; but the Collector must in such cases by law take over the goods for Government. He has no other alternative, for any relaxation of the law must lay him open to frequent applications, with which he should not comply, or to charges of partiality and inconsistency.

In connection with the present Section 31, legal authority is required to enable the customs officer to relieve from payment of duty re-imported foreign goods which have already once paid duty of importation into India.

Sections 70 to 115 embrace the rules for warehousing goods before payment of duty. In these certain alterations would be necessary if the amendment suggested in Section 62 be made.

Improvement is also specially needed in Sections 77 and 78. Reading these with the form of bond annexed to the Act, it seems that default on the bonder's part could not be met save by a civil suit, and the Collector should properly be placed by law in a position to take summary proceedings (such as by application to a Magistrate for distraint of properties of the defaulter) for recovery of duty on bonded goods. In certain other parts of the Act, further, where parties give bonds under penalty, the Collector should be empowered to require such security, even in the shape of deposits if necessary, as would render realization an easy matter.

Section 92 should be assimilated to the English Act in providing for the bottling off of wines and spirits in the warehouse, and Section 102 should be altered so as to allow of a more prompt settlement of claims for rent on goods lodged in a public warehouse. There is no reason why bonders of salt should have ten days' grace for such payments, or that bills should be signed by the warehouse-keeper, for it may be more advantageous to collect such rents from the Custom House, and a demand from the Collector should be answered by immediate payment. Section 104 should also be amended so as to allow the Collector to detain a portion of bonded goods for rent due, as well as for duties or penalties. At present the law does not hinder a salt bonder from clearing out his stock before he has paid all rent due.

Sections 116 to 136 relate to exportation, and several changes are here required. The Tariff Act of August 1875 has reduced to three only the articles of export subject to duty, and the main object of Custom House rules for regulating the export trade may be now said to be the securing of correct statistics of the supplies of

Indian produce to places outside India, and through what is called the interportal trade.

Seeing, as above said, that almost all this produce is now exported free of duty, the present law is decidedly defective. Shipping bills, for instance, must be given in for a pass, but the law nowhere provides that the details of quantity given in the shipping bills shall be correctly stated.

It is notorious that their present inaccuracy renders the statistics of free exports compiled from them untrustworthy. Section 132 has been found sufficient to secure correct details of dutiable exports and would be re-enacted, but a provision is absolutely wanted which will compel all shippers of free goods to give notice of re-lands and short-shipments.

The above-noticed defect is greatly aggravated by the present shape of Sections 126 to 129. These provide for the issue of the port clearance, and require much revision. In the first place, the Agent of the ship should be legally allowed to take the place of the master in applying for clearance. In the next place, the delivery of an export manifest should no longer be made a necessary preliminary to clearance.

The manifests filed under the present Act do not contain correct details of the cargo actually taken on board, and the shipping bills being also very incorrect, the statistics of exports, as I have already said, are not to be trusted.

It has been already proposed to amend Section 128 by allowing the agents of a ship to file a correct manifest, within three days after its departure, under proper guarantee and penalty, and some such change should now be made.

It may be added that this is all the more necessary owing to the rapidly-increasing use of the Port Commissioners' jetties for loading ships and the consequent haste with which they are pressed on to take their departure.

Section 135 might unobjectionably be so altered as to allow of the direct transhipment, under proper preventive supervision, of the cargo of a vessel returning to port after clearance.

The present wording implies that all such cargoes should be actually landed for re-export if transhipment is required.

Sections 137 to 148, relating to drawback, require minor alterations. Thus there is no apparent reason why drawback should not be allowed on ships' stores as it is under the English Act, especially seeing that, under Section 183, certain such stores may be shipped from a warehouse free of duty.

In the drawback provisions relating to officers of Her Majesty's Navy, spirits should also be

specified as entitled to the allowance. A special Government order now permits this, and the law should be correctly worded.

Sections 149 to 160 relate entirely to the coasting trade, and amendments might be very usefully made here, with the important object of securing correct statistics, at the same time imposing as few restrictions as possible on the ships employed in the trade. It was found necessary in 1873 to pass a special set of rules for the Orissa ports, and the Commissioner of that Division would doubtless be able to suggest points on which the present law could be suitably altered.

Under the special heading "Spirits," Section 170 should be altered. Cordials when imported pay duty on their full liquid quantity, and there seems to be no reason why cordials manufactured in India should pay only on the quantity of spirit used in preparation.

Sections 174 and 175, for regulating the employment of agents to do business at the Custom House, might be very suitably re-arranged. They are misunderstood, and might be much simplified. Under the head of "Miscellaneous Provisions," Section 182 should be so extended as to allow of transhipment of marine stores when the co-proprietors of the ships concerned are in part identical, though not entirely so. Under Section 183 also transhipment of provisions and other such stores might, when desired, be allowed without requiring their prior formal warehousing and immediate re-export.

Section 184 should be made to include disputes as to proper rate of value in assessment of goods for which there are fixed tariff rates.

In regard to the last chapter, "Offences and Penalties," revision will doubtless be found necessary. Notably Section 216 should provide for the punishment for the use of any false document apart from the making and signing.

These notes attempt to deal with amendments in the present law which are obviously required.

Further discussion and consideration by persons representing the different interests affected would probably show that other matters which have not been noticed call for attention and fresh legislation.

(Signed) T. B. LANE.

28th February 1876.

From the Hon. T. C. HOPE, Officiating Secretary to the Government of India, Department of Revenue, Agriculture, and Commerce (Customs), to the Secretary to the Government of Bengal, dated Simla, 21st October 1876, No. 3.

In reply to your letter, No. 774, dated 23rd

March 1876, I am directed to inform you that, as the Secretary of State for India has intimated that there is now no objection to proceeding with a revision of the consolidated Customs Act (VI of 1863), a consolidated Customs Bill will in a few days appear in the *Gazette of India*, which will be introduced into the Council of the Governor-General for making Laws and Regulations and referred to a Select Committee in the course of next month.

2. As, however, this Bill will be based upon suggestions which are in many cases of old standing, and it is most desirable that the new Act should meet all the reasonable requirements of existing conditions of trade, I am directed to add that the appointment by His Honor the Lieutenant-Governor of a Committee, as suggested in your letter, appears very desirable, provided their report can be submitted by the 1st of January next.

Order theron, 30th October 1876, No. 1,527.

A Committee will be formed accordingly.

2. The Collector of Sea Customs will preside. The Master Attendant will join the Committee, and the Chamber of Commerce and the Trades Association will be invited to nominate, each a Member.

3. Two native merchants of intelligence and position, one of whom might be an owner of coasting vessels, should be requested to take part in the proceedings.

(True Extract.)

(Signed) D. F. CARMICHAEL,  
*Secretary to Government.*

## MISCELLANEOUS.

### THE FAMINE TRACT.

(From our Commissioner.)

SHOLAPOOR, November 9.

The railway train landed me here at half-past four this morning; and after seeing the Collector and several Europeans and Natives likely to give me information, I visited eight places where famine operations of some kind are going on in Sholapoor, or within three miles of the city. One important relief work, the Ahirwadi road, at a distance of four miles, I was obliged to leave for to-morrow, owing to the impossibility apparently of getting a second horse. The price of fodder is so high, that some owners of public carriages and horses

parted with their property, and the remainder get more employment than they can easily bear. The cost of public conveyances is about twice the usual rate, and in case of labour, costs four times as much as is the custom in ordinary seasons. I also resorted to a means of information to which, though it is not literally reliable, I am disposed to attach much value. This was holding conversation with several parties of the common people, numbering in all about thirty persons, who included labourers, bazaar men, and starving strangers from the outlying talukas. I found these men wonderfully reasonable in all they said about their circumstances, and quite awed at the gigantic scale on which the *Sircar* is carrying on operations for their relief. I will mention one instance of their intelligence and knowledge, which particularly struck me. The day before yesterday a sensational telegram was published in one of the Bombay papers to show that the final dire result of famine had begun in Sholapur. Twenty-five persons had died of starvation! The idea of starvation in a town on the railway, and with grain pouring in morning, noon, and night, was so improbable, that I was not in the least surprised to learn this morning, before I had been here three hours, that the deaths had occurred on one of the relief works, where, of course, food is secured to the people whatever may be the state of the bazaar and city. I asked two different parties of Natives, one Mussulman and one Hindoo, about the affair, and they unhesitatingly ascribed the deaths to unavoidable natural causes. It seemed not to have once entered their minds that want of food could have been the cause. The account these people gave of the occurrence was, that the labourers on the relief work had eaten a full meal of parched grain (*phootana*) and drank water after it: the water caused the *phootana* to swell enormously, as *phootana* always does if soaked, and violent purging and vomiting had been the result, fatal to twenty-five persons. In their simplicity some of them added, by way of explanation, that a morsel of bread taken before the *phootana* prevents any injurious consequences. Mr. J. H. Grant, the Collector, gave me the same explanation: only he added that exhaustion from hard work of a kind the people were not accustomed to, together with exposure out on the relief works, had made the people liable to diseases from slight causes; and that those who had suffered most had been persons who were weak through ill-feeding before they went on the works. Let me suggest that not impossibly the *phootana* may have been of inferior quality.

Now I come to one of the most delicate points I have to report upon. I was told by several intelligent men of the labouring class, that many people on the works had been going for twenty-four and forty-eight hours without food, and that these were the persons who had died,

upon suddenly taking a full meal of *phootana*. The rule upon the Collector's relief works is, that the people be paid at the close of each day's work: the men getting two annas, and the women and children less, as in Poona. On the works of the Department of the Public Works, where large bodies of men are always permanently employed, new hands taken on from among the destitute population have to be content to be paid at stated times like the permanent work-people; and I believe that during the present scarcity those times are once a week. But on the famine relief works, specially started for starving people, payment is ordered to be made daily. Now it is always difficult to make sure that orders are carried out by subordinates; but it is doubly so in the present hurry and pressure. So what these men told me was, that people were not all paid every day. They said that work was stopped at 4 o'clock each afternoon, and that then the "Brahmans," by which they meant the clerks or overseers, began to deal out the wages. This was done, they said, by a somewhat tedious process with several books, the coolies being called up in files or gangs of one hundred each, and having to answer to their names. Darkness came on before all the gangs had been paid, and the remainder were told they would get two days' pay at once next afternoon, which of course meant they would have nothing to eat all that time. This was represented to me as going on from day to day, and was ascribed purely to the dilatoriness of the "Brahmans," without a word of reflection upon the *Circar* or any of its European embodiments. The statement may, of course, be denied by the authorities in theory but my conviction is that it is true. It is, in the first place, the most likely thing that should occur, knowing, as everybody does, how work is scamped and neglected every day and everywhere, even when the chief authority has nothing else to do than to look after it. Then, I cannot conceive it possible that a clear and circumstantial story like that was told me could be without foundation. My informant, although a labouring man, spoke with uncommon intelligence. He was careful even to explain to me, that starvation followed as well as preceded the payment of several days' wages at once. For, as he said the quantity of grain to be obtained for two annas is so small, that when the poor people got four, six, or eight annas into their hands at once, they give it all for a good meal at the time, and then they have nothing to eat till they get their next payment.

I must ascertain whether the files are called up in the same order every day, so that the same persons, viz., those whose turns come last, are put off on successive days.

This man and several who were standing round him further told me that a *loot* had taken

place at a certain spot where a stream crosses the road, on which the people are employed. A quantity of grain was passing, and although it was called salt, the work-people, who had been without pay or food for a day or two, rushed upon the carts and helped themselves. The Collector made an inquiry, but after hearing the circumstances, warned the men and let them off. I have mentioned all my authority for this story, but I will seek confirmation of it on the spot when I go there to-morrow.

Besides, I am told by a private European gentleman and his family that last Sunday hundreds of people came in from the works at one place where they are temporarily stopped, as I shall explain presently, and that they were complaining, that three and four days' pay was due to them, and that they had had nothing to eat; they expected to be paid at the Collector's office where they were going. It seems to me that this evidence cannot be got over. At the same time, we may easily imagine that when a gigantic work is started all at once, many defects appear in the arrangements and are corrected as experience is gained. In the case in question the work-people used at first to come into Sholapoor to buy their food: then some dealers took out quantities of grain, and opened shops on the spot: and now grain is being carried to the people by Government, to pay them with, instead of money, I suppose. This I learned, not from an official source, but only from some Natives who had been at the works. I have more to tell.

All that I have written here refers to the Ahirwadi road, which is being built as a famine relief work. Ahirwadi is a large town twelve miles from Sholapoor, and the Government has sanctioned a proper road to be made to it as a relief work, in place of the cart-track, which is the only means of communication at present. This road was under construction along its whole length, and was giving employment to 2,500 people when the outbreak of disease occurred to which I have alluded. I might have mentioned earlier that Mr. Grant calls the disease choleraic diarrhoea, and he told me plainly that not twenty-five but fifty deaths had resulted from it. The disease broke out along the last eight miles of the road, beginning, and appearing in its worst form, at Kumta, four miles from here; and as it looked like an epidemic, the work was promptly stopped between the Kumta and Ahirwadi, and the larger half of the 2,500 people distributed as fast as they could be over other relief works in and near the city of Sholapoor. Some of these were the people who streamed in on Sunday last and said they wanted several days' pay. A good many of these disengaged people are not yet provided with work, and are therefore without pay and food. Whose fault this is I cannot say without incurring grave responsibility. I saw to-day

over fifty of them, sitting by the road-side close to the city wall, and looking unmistakeably hungry—very hungry. They told me that they were part of two files (two hundred people) who had been sent away from the Ahirwadi road, and had nothing to do and nothing to eat. The remainder of their number, they said, were scattered about like themselves, anywhere. They said they had been ordered to work at a certain trench close at hand by a Maccedum in charge of the work, but, that a "Brahman" who was over the Muccudum had said there was no work for them there. Later on I was at the trench, and asked a man who looked like a peon why those two hundred people were out of work. His answer was laconic. "Cau all Sholapoor be employed at this trench?" On the other side of the question, let me mention that, as I hear, both the Collector and the Executive Engineer have more work on hand than they can find labour for, and that crowds of starving people refuse work which is not to their taste on any trifling pretext. I have questioned two or three solitary coolies, who were loitering about in expectation of charity, on this point, and have got substantially the answer that used to be so commonly heard from European loafers before the Vagrancy Act was passed. "The Sircar is my father and mother: I have eaten nothing for three days: whatever I am ordered, I will do; let the Sircar fill my belly, and God will give the reward." I shall take an opportunity to-morrow to see a body of men refuse work, and then endeavour to learn the exact state of the case.

Mr. Grant is unquestionably as energetic, sympathizing, and popular a Collector as it would be easy to find in a great many districts. He was acting for Mr. Rasenquet when the scarcity began, and it is now decided that he will continue till there is a change for the better. I have heard two distinct opinions in his favour among the Natives: they like him personally, and they have confidence that he is not over much in the hands of the "Brahmans." The Europeans also are glad that Mr. Grant's energy is to grapple with the present emergency. The power of giving orders fully, promptly, and accurately, is perhaps the highest administrative faculty in an emergency, and I dare say Mr. Grant comes up to all it is possible to desire. But look at the leading facts which I have forcibly before my mind just now, and let any one who can, say what might be done.

1. Some scores of people are at this moment starving in Sholapoor, and as starvation does not wait, a few of the weakest must die every twenty-four hours.

2. The people of India are so patient and enduring, that they will frequently sink into exhaustion from hunger rather than put themselves about beyond a certain extent.

3. Nothing short of genias could do more than is being done to meet the case.

I would lay stress upon the last statement; for while harrowing spectacles of want are met with in all directions, efforts are being put forth to save life which are almost stupendous. There are some twenty relief works in progress over the Collectorate, and 40,000 people are employed on them. These multitudes have to be paid, and perhaps both paid and fed, through agents and sub-agents, who are energetic and conscientious, or the reverse, just as it may happen. The Collector puts his own shoulder to the big wheel, and holds the strings of all the other; and if the result is short of the possible, all Sholapoor will testify that it is far above the natural or usual. During the few hours I have been here I have heard several totally independent persons giving it as the expression of the community that the fact of a man of Mr. Grant's energy being in charge of one of the very worst districts where the famine prevails, is one for which we cannot be too thankful. At the same time it is not in British flesh and blood to be quiet while life is being lost through want of food, and a stir will continue to be made as long as the impossible is not achieved. Sholapoor is full of grain, and nothing is left undone that money and energy can do to convey it to the mouths of the needy. Under these circumstances it is hard that the Collector, who must be already distracted with more matters than he can possibly attend to, should have to waste time in contradicting exaggerated reports and correcting false impressions. For I notice that some people believe whatever they hear, and continue to believe till they are told that "the Collector says," or "Mr. Grant says" something different. A single hour in Sholapoor is enough to make any one wonder that deaths from starvation are not the order of the day: yet so hearty are the exertions with which the distress is met, that no death has occurred, nor is likely to occur, except from circumstances which are simply beyond control. I have already given one cause of a very few cases of starvation which might doubtless be prevented if a Napoleon were in Mr. Grant's place; but

occasional cases occur, chiefly of children, among people who come in from the outlying talukas so famished that they are past recovery, even although they go straight to the dispensary or the Collector's bungalow. It may be asked why they were not put upon relief works in their own talukas. Well it need not be denied that the news of the relief works has possibly not reached every inhabitant of every village in all the Collectorate. But in most cases the people leave their villages and towns in hope of saving their cattle, and starvation overtakes them before they get out of the drought-stricken region. Some also prefer to wander about in search of food as long as they can hold out. We must remember that hunger does not make the average Hindoos wild as it does Europeans. They sink very quietly, and are at the point of death while they are still feebly grumbling. This combination of physical weakness with an indolent temperament, makes them leave work behind and wander forth in the direction of the Nizam's territories, where the monsoon has not failed as it has in the Deccan and Southern Mahratta country. They have no definite idea how far they have to go, nor whether they can find support for themselves all the way; and thus they drop off along the route, and some find their last resting place in Sholapoor. Infants are of necessity the first to perish in this way. Numbers of families may be seen passing through every day, driving their cattle, if they have any, before them, and carrying their household effects. They are all in a sad state of emaciation, with long skinny limbs and hollow faces. On my way to the Ekrooka lake to-day I took especial notice of an aged couple, bent and grey-headed, who were nearing Sholapoor; the husband had thoughtfully filled a large vessel with water at the canal outside the city, and the wife was tottering along with the few things they possessed in a large brown sack on her back. It was quite distressing to see these old people who had so little of their course in this world left to run, forsaking their home and going they scarcely knew where. Deaths that occur in this way it is obviously impossible to prevent. At present they are occurring in no other way. It is absolutely wrong to speak

without qualification of "starvation" in Sholapoor. The accumulating pressure of the relief operations, the obstinate stupidity of the people, and the want of a few of Pharoah's taskmasters over the "Brahmans,"—these causes result in a few deaths where 40,000 people are employed on relief works and thousands of rupees are being spent in charity. What is really to be trembled for is the outlook.

*November 9.*

Government has, I understand, nearly matured a plan for saving such of the cattle as are now left alive: but what will become of the people? I do not see that more can be done than is being done now; but the present measures will be inadequate, two, three, and six months hence. Not only is the khurreef crop lost, but there will be no rubbee; and when the fodder is all cut, this small source of income to the people will be gone. Fortunately the supply of water in this taluka will not fail, but in many places elsewhere, every tank and stream will soon be dry.

I have collected a mass of interesting miscellaneous information to-day; but although I have been writing against time, I cannot put more on paper now. It seemed most important to settle the sensational subject of "deaths from starvation" before mentioning anything else. I should say that the telegram that told of the "twenty-five deaths from starvation" found its climax in two deaths in the Collector's compound. These deaths occurred on the 14th and 20th of August last, and had little more to do with the present distress than a death which occurred some years ago in my own compound.

I have been disappointed to find that through some inadvertence none of the Calcutta papers is on the list registered for special rates at the Railway Telegraph Office here. There is no Government telegraph in Sholapoor. An office was started some time ago, after the railway with its telegraph was opened; but as it did not pay, it was closed again.

*November 10.*

I went out to Kumta to-day, but did not see what I expected, as the road has been

carried out to Satkher two or three miles further on. However, I questioned one of the villagers about the people refusing work, and what he said to me in the course of a rambling conversation, has convinced me that the following is a true statement of the fact. People who are put to work on a road are obliged to go further and further from Sholapoor, as the work progresses: grain is a little dearer in the villages, than it is in the bazaar: the pittance the work-people are paid, especially when children are refused to be taken on, and have to be supported by their parents, affords them very slender support. As I have already said, the disposition of the people is almost to die quietly, in preference to taking much trouble for life. Under these circumstances many do, I am now convinced, decline work on the roads, and choose to risk starvation by hanging about Sholapoor. I also asked the man if the people were paid daily, and he said at once that they were paid every two or three days. It did not seem to occur to him, that there was any objection in that being so.

Next to the lives of the people, the lives of the cattle demand attention. For, not to speak of the loss of the animals as mere property, if the cattle die, the people will not have the means to plough their fields next year. It appears quite plain to me, that the Government as yet shown no sign that it recognizes the gravity of the situation in this respect. The monsoon rainfall in Sholapoor this year was under nine inches, instead of being between twenty-five and thirty. Whether this refers to the Sholapoor taluka, or whether it means the average of all the seven talukas of the Collectorate, I do not know; but the presence of two tanks and a canal in the neighbourhood of the city, has kept the country about Sholapoor itself more green than it is in some of the outlying talukas. But both in Sholapoor and outside of it the withering up of what forage had sprung up, and the exhaustion of most of the supplies of water, caused the cattle to die off some weeks before the people were very severely affected. And, indeed, thousands of people left their houses and encountered starvation who

might have been provided for on the relief works, simply in hope of finding pasture for their cattle. Nothing is further from my thoughts than the idea that I can teach the Government what to do. Measures that always seem short and easy to people who know nothing about the case, are beset with complications to those who have to carry them out. But a child can see that if animals are not cared for when their food fails, they will soon cease to give any concern. Now cattle have been dying in most parts of the Collectorate for the last six weeks: no tally has been kept of the number, but thousands are known to have died. It is several weeks since the owners began to part with them—cows as well as bullocks for two Rupees each. For at least the past week, the price has been two and four annas, the purchasers being butchers, who took them, not for any beef that could be got off their bones, but only to slaughter them for their skins, which are said to be worth two Rupees. This wholesale slaughter of cattle, and, especially of their household cattle, is very distressing to the people; and great numbers of them have foregone the temptation of the two annas and have deserted their cattle: hundreds are, I may now say, daily so deserted here in Sholapoor. So, whatever it may ultimately be decided to do is becoming less necessary every day. Already the animals available for work next year, are short by thousands of the number required: possibly half are already gone, and the balance is rapidly becoming smaller. But nothing can shorten the natural period for hatching a Resolution in the Secretariat. I do not know whether the hesitation is about the sum of money that may be spent, or about the measures for spending it. Something great must be approaching birth; for the Collector was summoned from his post to Poona, notwithstanding the need of his presence here; and I am credibly informed that it was to share in the incubation which no doubt is unremitting. I have heard of two schemes that have been suggested to save the cattle: the one now developing in the Secretariat is to send droves of them to the slopes of the Western Ghats, especially about Khandalla: the other, which

has been suggested by Captain Coussmaker, of the Photozincographic Office at Poona, in a letter to the *Times of India*, is to confine the animals in enclosures on the banks of the nearest streams, and to feed them with pressed hay and kirbee taken by rail from Bombay. Captain Coussmaker thinks this plan would not be more costly than the other, considering that the cattle must be artificially fed on their way to the ghats, and that it would be greatly better for the stock. I have ascertained from a private source that they can be pressed in Bombay at one rupee and a half per bale of 300lbs. In the meantime others have come forward viviparously with plans. Foremost among these are Mr. Morarjee Goculdass, well-known in Bombay, and Mr. Veerchund Deepchund, is partner in a great cotton mill which is now nearly complete in Sholapoor. These gentlemen had up to yesterday, bought or taken for nothing 2,700 head of cattle, and sent them in herds towards Poona, in charge of drovers on eight rupees a month. Arrangements are made to supply food along the road from Poona or Bombay; and I believe it has been necessary to make provision for water at certain points. The destination of these animals is Bimdee, a place near Callian. That will involve taking them right across the ghats; but as the Bombay Pinjrapole, of which Mr. Veerchund is Secretary, has a branch at Bimdee, arrangements for taking charge of the cattle can easily be made there. Mr. Morarjee has tried, by several applications to Mr. Grant, and by an interview with the Governor at Poona, to force "the birth" at the Secretariat. He offers to hand over the animals to Government at Poona, to do what it likes with; but the Government fears a still-born Resolution, and will have nothing to say to premature measures. Whether Mr. Morarjee's offer be accepted or not, the Bhattia partners are not likely to be losers by this benevolent action; for as there is practically no limit to the number of cattle that fall into their hands gratis, they will in any case have some thousands to themselves, which, after being put into condition at Bimdee, will be worth from fifteen to thirty rupees a head.—*The Indian Agriculturist*, Vol. I, p. 334.

**ACT OF THE GOVERNMENT OF  
MADRAS.**

The following Act of the Governor of Fort St. George in Council received the assent of the Governor-General on the 3rd March 1876, and took effect on the 1st September 1876.

**ACT NO. I OF 1876.**

*An Act to make better provision for the separate assessment of alienated portions of Permanently Settled Estates.*

WHEREAS it is desirable to make better provision for the separate assessment to land revenue of portions of permanently settled estates alienated by sale or otherwise; It is hereby enacted as follows:—

1. The alienor or alienee of any portion of a permanently settled estate, or the representative of any such alienor or alienee, may apply to

the Collector of the district in which such portion is situate for its registration in the name of the alienee and for its separate assessment in respect of land revenue.

2. The Collector shall thereupon hold an inquiry as to who is the present owner of the property in respect of which the application is made.

For the purposes of such inquiry the Collector shall publish a notice in the local Gazette, in three successive issues, that the application has been made, and that unless cause is shown to the contrary within sixty days from the date of notice such separate assessment will be made. He shall also cause notice of the inquiry to be given to any alienor or alienee who has not joined in the application.

If on such inquiry it appears that the alienation has taken place and that all the parties to such alienation concur in applying for the separate assessment of the portion alienated, and if objection is not taken by any person interested

In what case registry and separate assessment should be made.

Regulation I of 1819, repealed.

in the estate, or being, taken, is disallowed by the Collector, the Collector shall proceed to register the alienated portion in the name of the alienee and to apportion the assessment of such alienated portion in the manner provided in Section 45 of Madras Act II of 1864, subject to the sanction laid down in Section 46 of that Act.

3. Upon such assessment being declared, there shall be deducted Proportion of land revenue to be deducted from the land revenue payable in respect of such estate an amount equal to the sum assessed on the portion so separately assessed.

4. Upon such assessment being made, the portion so assessed shall no longer be liable in respect of arrears of revenue due by the estate, nor estate liable for arrears due by part assessed. Assessed part not liable for arrears of revenue due by the estates, nor estate liable for arrears due by part assessed. nor shall such estate be liable in respect of the portion so assessed.

5. Any person aggrieved by the fact of the separate registration of such portion may sue in a Civil Court for a decree declaring that such separate registration ought not to be made.

6. Any person aggrieved by the Collector's refusal to register may sue in a Civil Court for a decree declaring that such separate registration ought to be made.

7. Any person aggrieved by the apportionment of the assessment under Section 2 of this Act may appeal to the Board of Revenue within ninety days from the date of the declaration of such assessment; and the order of the Board of Revenue shall be final.

8. The Governor in Council may at any time, if it appears that there has been fraud or material error in the apportionment of such separate assessment, cause the same to be re-adjusted.

9. Regulation I of 1819 is hereby repealed.







